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Louis H. Heilbron

MOST OF A CENTURY: LAW AND PUBLIC SERVICE, 1930s TO 1990s

With an Introduction by
Clark Kerr

Interviews Conducted by
Carole Hicke
1989-1993

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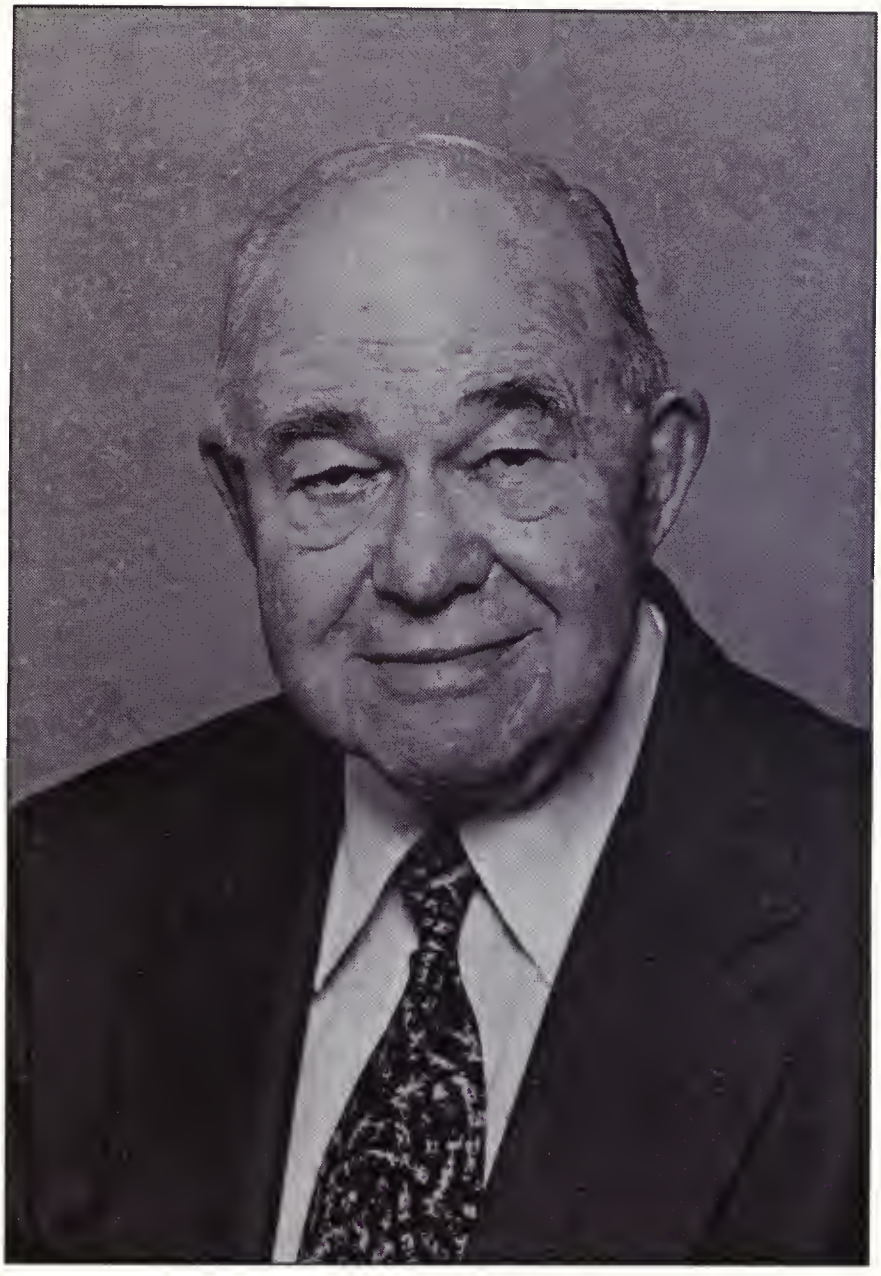

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PREFACE

On the occasion of the 50th anniversary of our graduation from the University of California at Berkeley, the Class of 1931 made the decision to present its alma mater with an endowment for an oral history series to be titled "The University of California, Source of Community Leaders." The Class of 1931 Oral History Endowment provides a permanent source of funding for an ongoing series of interviews by the Regional Oral History Office of The Bancroft Library.

The commitment of the endowment is to carry out interviews with persons related to the University who have made outstanding contributions to the community, by which is meant the state or the nation, or to a particular field of endeavor. The memoirists, selected by a committee set up by the class, are to come from Cal alumni, faculty, and administrators. The men and women chosen will comprise an historic honor list in the rolls of the University.

To have the ability to make a major educational endowment is a privilege enjoyed by only a few individuals. Where a group joins together in a spirit of gratitude and admiration for their alma mater, dedicating their gift to one cause, they can affect the history of that institution greatly.

The oral histories illustrate the strength and skills the University of California has given to its sons and daughters, and the diversity of ways that they have passed those gifts on to the wider community. We envision a lengthening list of University-inspired community leaders whose accounts, preserved in this University of California, Source of Community Leaders Series, will serve to guide students and scholars in the decades to come.

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INTRODUCTION--by Clark Kerr

Louis Heilbron, as his oral history well documents, has led several lives. One of these lives has been as a good citizen devoting his time, energy, and wisdom to the welfare of his community. I should like to call particular attention to his contributions to higher education at a crucial time in its history in the state of California.

The crucial time was the early 1960s when higher education moved from a developing chaos to becoming the best overall system of higher education in the nation and, beyond that, in the world.

The developing chaos had several sources. First, the three tidal waves augmenting each other of (1) population growth in California, (2) the children of the GIs nationwide advancing on higher education, and (3) the movement from mass to universal access to higher education. Second, the lack of facilities, physical and human, to match these tidal waves. Third, the uncertainty over whether the politicians or higher education should lead in developing solutions. Fourth, disagreements over the respective roles within higher education for the University of California, the state colleges, the community colleges, and the private institutions.

The answer was the Master Plan for Higher Education of 1960. Leadership was taken by higher education, the roles of the segments were set forth, the facilities were specified and supplied. An historic accomplishment.

Several persons played crucial roles, since any one of them had the power of life or death over the negotiations:

Governor "Pat" Brown, who watched the process more than he participated in it but who signed the necessary legislation and then later became a very strong supporter;

Roy Simpson, who was Superintendent of Public Instruction and who was in charge of the state colleges but was willing to relinquish them to their own independent board;

Glenn Dumke, then president of San Francisco State College, who became the crucial leader of the powerful roster of presidents of the state colleges and who went along with the Master Plan against aggressive opposition within his own group;

Louis Heilbron, who was appointed in March 1959 to the State Board of Education by Pat Brown and then elected as its chair in February 1960

when everything hung in the balance, and who later in 1960 became the first chair of the Board of Trustees of the state colleges. In these roles he advised Pat Brown, was chair of the board to which Roy Simpson reported, and chair of the state college board that appointed Glenn Dumke as chancellor of the state college system.

Each of these four persons was in a very difficult position. Many in the state colleges wanted full research university status. This was a time when federal funds for research and development were beginning to rise rapidly. Research university status meant more prestige, higher salaries, and lower teaching loads. By this time in their development, the state colleges, historically teachers' colleges, had become liberal arts colleges as well, and, in addition, were adding more and more professional programs as in engineering and business administration. Also, more and more faculty members had advanced degrees from research universities and would greatly have preferred to be employed in similar institutions. "Academic drift" was well underway, and academic aspirations kept well ahead of the drift. Several of the most powerful of the state college presidents had their own desires to lead research universities, and, for internal political reasons, had promised their faculties to achieve research university status for them and, in addition, had so promised their local communities.

A boiling cauldron of hopes, promises, and expectations. However, California already had three private research universities (Stanford, Cal Tech, and the University of Southern California) and two well-established public research universities (UC Berkeley and UCLA), with seven more in development (Davis, San Francisco, Santa Cruz, Santa Barbara, Riverside, Irvine, and San Diego). This would total California's full share of what came by 1987 (Carnegie Classification of Institutions of Higher Education) to be seventy Research Universities I nationwide--far beyond California's proportional share on a population basis. To add twenty more (the then number of state colleges) was beyond reasonable expectations given the cost and the lack of necessity; and who then would train the teachers and the technicians? And where would all the qualified students come from? There was an enormous gap between aspirations and realistic possibilities. But that did not dampen the aspirations. Someone had to say "no," and take the consequences. A key person was the new chair of the State Board of Education.

At a crucial meeting held in the Regent's Room at Berkeley in March 1960 (I can still see in my mind where he sat), Louis Heilbron made a statement giving unequivocal support to the draft of the Master Plan. Among other things, he said that UC should keep the "crown jewels": basic research and training for the Ph.D., the M.D., the law degree, and other advanced degrees. I heaved a big sigh of relief. The last piece of a complicated puzzle was now in place. Louis Heilbron had not participated in the Master Plan Study Committee and thus was, until this meeting, not

publicly committed to its report. He then joined others of us (he and I were the chief presenters) in appearing in Sacramento before the Assembly and the Senate to support the plan, which was subsequently adopted with only one dissenting vote among the 120 legislators. Louis was steadfast throughout, although some of the state college presidents and many faculty members were in semi-revolt.

Heilbron and Dumke then got the new state college system off to an excellent start. Once the system was underway, Louis set the central theme as "let us cultivate our own garden" and not just continue to covet the garden of someone else. And "our own garden" was already a huge garden that was being expanded to cover the M.A. in all fields. It was the garden of all the polytechnic skills at the operational level that were growing so fast in the labor market of an advancing industrial economy. And the state colleges were being given their own Board of Trustees and other advantages. Enrollments went from 60,000 in 1960 to 350,000 in 1990. This bigger garden came to be well cultivated.

Louis Heilbron played an historic role: taking responsibility, using wisdom, standing fast on the basic agreement in the face of internal opposition.

This was not, of course, the only time that Louis Heilbron played the role of good citizen, as this oral history so well demonstrates, but it was one time of tough testing. History has shown that he passed the test with highest honors. And Louis passed so many other tests the same way, as has his son, John, as the Vice Chancellor at UC Berkeley, 1990 to 1994.

Clark Kerr

September 1994
Berkeley, California

INTERVIEW HISTORY--by Carole Hicke

Louis H. Heilbron is a distinguished San Francisco lawyer, a noted public figure in California's public education system, and a dynamic component of many community service agencies local, regional, state, and national. Born in 1907, he was educated in San Francisco public schools, obtained a B.A. from the University of California, Berkeley, in 1928, and graduated with a J.D. from Boalt Hall School of Law in 1931. Heilbron married the late Delphine Rosenblatt (1907-1993) in 1929, and they raised two sons David, who is a partner of McCutchen, Doyle, Brown & Enersen and the firm's managing partner from 1985 to 1988; and John, historian, professor, and the vice chancellor of the University of California, Berkeley from 1990 to 1994.

Heilbron's career encompasses more than five decades of law practice and a similar period of public and community service. He practiced law with Heller, Ehrman, White & McAuliffe from 1934 to 1978, specializing for much of the time in labor law. Dealing with relations between San Francisco businesses and labor unions, he became a skilled negotiator, an expertise which he also put to use in other arenas.

During the 1930s he also worked for the California Welfare Board, helping to manage California's enormous load of indigent natives and immigrants from the Dust Bowl Depression. Military service in the 1940s took him to post World War II Austria, where his work in restoring Austrian governmental, social, and economic institutions led to an interest in labor law.

In addition to his subsequent career as a labor negotiator, Heilbron participated in the planning and administration of California's higher education programs: as a member and president of the State Board of Education, he helped develop the state college system; then as the first chair of the Board of Trustees of the new California State Colleges, he helped to activate the system.

Somewhere he has also found time to be active in the Jewish community in San Francisco and to serve on the boards of several nonprofit organizations. In spite of a busy schedule, Heilbron has authored two books: *The College and University Trustee* (1973); and *From the Beginning (The California State University)* (1983). He has written the following articles: "Higher Education for the Millions in California, The Dynamic State," 1966; "A Look at Academic Freedom" (in *Challenge to American Youth*, 1963). Also, many of his speeches have been published as articles. Whether writing or speaking, his work is polished with the determination of a perfectionist.

In recording Heilbron's recollections, I discovered that he has had a longtime interest in local and state history, which has manifested itself in ways such as serving as president of the board of trustees of the California Historical Society, and in directing the research and writing of his law firm's centennial history: Heller, Ehrman, White & McAuliffe: A Century of Service to Clients and Community. Not surprisingly, he is chosen annually to give a talk on the history of Heller, Ehrman, White & McAuliffe to firm members.

With this long record of work and service, Heilbron's oral history documents many aspects of life in California. Although this volume encompasses his entire career, some parts of it are also available to the researcher elsewhere. Chapters II and V of this volume, which pertain to his work for the state government, have also been bound separately and deposited in the California State Archives, titled *Louis H. Heilbron, Oral History Interview*. A brief oral history covering his first two years as president of the California State Colleges was conducted by staff of the California State University, Dominguez Hills, and is deposited in the California State University Archives there. (These years were also discussed in the present volume; see Chapter V.)

Interviewing for this oral history began in 1989 as part of the background research for the centennial history of Heller, Ehrman, White & McAuliffe mentioned above. These recorded sessions, which mainly covered his law career (Chapter IV), took place in his office on the 29th floor of the 333 Bush Street highrise in downtown San Francisco. From his corner office, we could see a good part of the San Francisco skyline, including one section he himself helped to change. "It doesn't add too much architecturally," he grins as he relates the story of building the Sutro Tower, but to many San Franciscans, its top emerging from a bank of fog is a city landmark.

The interview sessions resumed in 1991 when funding became available to document the other aspects of his life and career. For all of the interview sessions, Heilbron made careful preparations, reviewing the proposed outline and list of topics to be discussed that day, then making extensive notes and researching such facts as he needed to fill out the story. These interviews took place, for the most part, in his Russian Hill apartment with views of the Bay and Golden Gate Bridge from its sixth story windows. Mrs. Heilbron offered strong support and took an encouraging interest in the proceedings.

After my initial review of the transcript, Heilbron read the draft carefully and emended it to his satisfaction. He also reviewed the final, corrected version. With his scrupulous attention to accuracy and concern for detail, Heilbron's review took some time. The process was made more difficult by the illness and subsequent death of his wife. Because of this meticulous review, the researcher can be assured that the

record is reliable. For example, Heilbron was so determined to be sure of his recollections that when he mentioned a Cunard Line ship on which he traveled in 1914, he called Cunard's New York offices to make sure the ship's name was correct.

Throughout the planning sessions, the interviews, the reviews, the checking sessions, the occasional lunches and afternoon tea, Heilbron's warmth and geniality made working with him a perfect delight. His engaging sense of humor is a perfect foil to the seriousness with which he undertakes a piece of work, whether it be crucial negotiations between management and unions, implementation of the California Master Plan for Higher Education, or his oral history.

This oral history has been funded by several sources: the UC Berkeley Class of '31 Oral History Endowment and the California State Archives underwrote documentation of the government and public service aspects of Heilbron's career. His law firm, Heller, Ehrman, White & McAuliffe, bore some of the costs of the interviews that cover his legal career. His University of California graduating class of 1928 also helped fund the oral history, and Heilbron himself has contributed to the Regional Oral History Office.

Special thanks are due to Dr. Clark Kerr, who wrote the introduction. Although Kerr's remarks refer to only one aspect of Heilbron's career, his contributions to California's higher education they illustrate the time, care, and wisdom that he devoted to all of his work, whether public or private.

This interview is part of the ongoing documenting of California history by the Regional Oral History Office, which is under the direction of Willa Baum, Division Head, and under the administrative direction of The Bancroft Library, University of California, Berkeley.

Carole Hicke
Interviewer/Editor

July 1995
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

LOUIS H. HEILBRON

A.B. 1928, University of California

J.D. 1931, University of California

L.L.D. 1961, University of California

L.L.D. 1970, Golden Gate College

Assistant Dean of Men, U.C. Berkeley 1928-31

Special Consultant for the State Relief Administration and
State Department of Social Welfare 1934-42

Principal Attorney for the Board of Economic Warfare 1942-43

Major Military Government AUS (attached to SHAEF) 1944-46
Deputy Director of U.S. Army Labor Division Allied Control
Commission for Austria

Trustee U.C. International House 1953 -

Trustee Newhouse Foundation 1956-74

President California State Board of Education 1960-61

Trustee California State Colleges 1960-69
Chairman of Board of Trustees 1960-63

Vice-President and Trustee Bay Area Educational Television Assn.
(Station KQED) 1960-72

Member California Coordinating Council for Higher Education 1961-69

President World Affairs Council No. Calif. 1965-67
Trustee and member of Executive Committee 1951 -

Trustee Golden Gate University 1969 -

Member of Human Rights Commission for San Francisco City and
County 1969-75
Acting Chairman 1975

Chairman Advisory Board San Francisco State University 1970-75

Member National Tenure Commission 1971-73

Trustee University of California Foundation 1972 -

Public Member of Federation of Regional Accrediting Commission of Higher Education 1972-74

Public Member of Council of Post-Secondary Accreditation 1975-

Vice-Chairman Golden Gate University 1974 -

Partner of Law Firm

Heller, Ehrman, White & McAuliffe
44 Montgomery Street, 30th Floor
San Francisco, CA 94104

1976

March Fong Eu
Secretary of State

California State Archives
1020 O Street, Room 130
Sacramento, CA 95814

Information (916) 445-42
Document Restoration (916) 445-42
Exhibit Hall (916) 445-07
Legislative Bill Service (916) 445-28
(prior years)

STATE GOVERNMENT ORAL HISTORY PROGRAM
INTERVIEWEE BIOGRAPHICAL SKETCH

SUBJECT'S FULL NAME: Louis Henry Heilbron

ADDRESS: 2164 Hyde Street, Apt. #612,
San Francisco, California 94109

TELEPHONE: Office (415) 772-6016 Home (415) 776-4811

SUBJECT'S PARENTS:
Father's Full name Simon L. Heilbron

Birth date Nov. 10, 1878 Occupation Food Processing

Mother's Full name Flora Karp Heilbron

Birth date Jan. 9, 1980 Occupation Housewife

SUBJECT'S
DATE OF BIRTH May 12, 1907 PLACE OF BIRTH Newark, New Jersey

SUBJECT'S PRIMARY AND SECONDARY EDUCATION:
(Where obtained, dates attended)

Primary: Spring Valley School, 1913-1914; Civic Heights, 1914-1920;

Secondary: Lowell High School, 1920-1924;

HIGHER EDUCATION:
(Where obtained, years of graduation, majors, degrees)

University of California, graduated 1928; Major: Political Science; Degree: B.A.

Boalt Hall School of Law; Graduated 1931; Degree: J.D.

PROFESSION OR OCCUPATION:
(Job, dates entered upon/retired from, where practiced)

Attorney, Heller Ehrman White & McAuliffe; Entered 1934; Retired in 1978;

Employed by State of California, 1932 and 1933;

GOVERNMENT OFFICES HELD:
(City, county, state, and/or national, dates of service)
UC Asst to Dean of Men 1928-1931 (part time)
State: Secretary, State Department of Social Welfare, 1932;
Assistant Administrator - State Emergency Relief Administration, 1933;
Special Consultant to Emergency Relief Administration - Department of Social Welfare (part-time), 1934-1941;
Member and President - State Board of Education, 1959-1960;
Trustee, California State Colleges, 1960-1969;(Board Chairman, 1960-1963)
City & County of San Francisco: Member, Human Rights Commission, 1970-1976;
Member & Pres. Advisory Board SF State Univ 1970-1976; Principal Atty US Bd of Economic Warfare Sept.1942-Oct 1943;

POLITICAL PARTY:
(Registration, official positions held, dates of service)
Member Cal Coordinating Council Higher Edn 1961-

Democratic

MILITARY SERVICE:
(Branch, rank, dates of service)

US Army, Military Government, Captain to Major, Oct. 1943-April 1946.

CIVIC AND COMMUNITY ACTIVITIES:
(Organization/activity, offices held)
World Affairs Council of N.Calif (Internatl Affairs Info & Education)-VP & Pres.; CA Historical Society 1978-1985 (collecting & disseminating info re Cal history)-VP & Pres Jewish Community Center (social,cultural & recreational activities)-VP & Pres.; Phi Beta Kappa Assn. of N. Cal.-VP & Pres.; KQED (public TV)-VP; Internatl House, Berkeley (residence & program for US & foreign students)-VP 1953-1977; Golden Gate Univ Board Chairman; Natl Post - Secondary Edn Commissions 1972-1986;

RELIGIOUS AFFILIATION AND ACTIVITIES:
(Offices held, if any, and dates of service)

Congregation Emanu-El, SF - VP & Pres.

SUBJECT'S SPOUSE:
(Name, date and place of marriage, occupation)

Delphine R. Heilbron, married Oct. 30/29. Brokerage statistician 1927-1932.

Housewife 1932-Aug. 21/93 (deceased).

CHILDREN:
(Names, years of birth)

John Heilbron born 3/17/34; David Heilbron born 11/25/36.

TITLES AND DATES OF PUBLICATION OF BOOKS AND ARTICLES AUTHORED BY SUBJECT:

Books: The College & University Trustee (1973); From the Beginning (The California State University) 1983

Articles: Higher Education for the Millions in California, The Dynamic State 1966, A Look At Academic Freedom (in Challenge To American Youth 1963; many lectures printed a articles - up t 199

MISCELLANEOUS:
(List any pertinent facts not requested above)

PREPARED BY: Louis H. Heilbron

DATE: 3/1/94

From Who's Who in America, 1

HEILBRON, DAVID M(ICHAEL), lawyer, b. San Francisco, Nov. 25, 1936; s. Louis H. and Delphine A. (Rosenblatt) H.; m. Nancy Ann Olsen, June 21, 1960; children—Lauren Ada, Sarah Ann, Ellen Selma. B.S. summa cum laude, U. Calif., Berkeley, 1958; A.B. first class, Oxford U., Eng., 1960. LL.B. magna cum laude, Harvard U., 1962. Bar: Calif. 1962, U.S. Dist. Ct. (no. dist.) Calif. 1963, U.S Ct. Appeals (9th cir.) 1963, U.S. Ct. Appeals (D.C. cir.) 1972, U.S. Ct. Appeals (8th cir.), 1985, U.S. Ct. Appeals (1st cir.) 1987, U.S. Ct. Appeals (10th cir.) 1988, U.S. Ct. Appeals (7th cir/) 1988, U.S. Ct. appeals (11th cir.) 1985, U.S. Dist. Ct. Nev. 1982, U.S. Dist. Ct. (cen. dist.) Calif. 1983, U.S. Supreme Ct. 1988, U.S. Ct. Appeals (3rd cir.) 1992. Assoc. McCutchen, Doyle, Brown & Enersen, San Francisco, 1962-69, ptnr. McCutchen, Doyle, Brown & Enersen, 1969—, mng. ptnr., 1985-88, vis. lectr. appellate advocacy U. Calif. Berkeley, 1981-82, 82-83; mem. vis com. Golden Gate U. Sch. Law, 1983—. Trustee Golden Gate U., 1993; bd. dirs. San Francisco Jewish Community Ctr., 1974—, Legal Aid Soc., 1974-78, Legal Assistance to Elderly, San Francisco, 1980, San Francisco Renaissance, 1982—; pres. San Francisco Sr. Ctr., 1972-75; co-chmn. San Francisco Lawyers' Com. for Urban Affairs, 1976 Rhodes scholar. Fellow Am. Bar Found.; mem. State Bar Calif. (chmn. com. cts. 1982-83, bd. govs. 1983-85, mem. commn. on discovery 1984-86, pres. 1985-86), ABA, Bar Assn. San Francisco (chmn. conf. dels. 1975-76, pres. 1980), Calif. Acad. Appellate Lawyers, Am. Coll. Trial Lawyers, Am. Arbitration Assn. (bd. dirs. 1986—, adv. council No. Calif. chpt., 1982—, chmn. 1987—, jud. council 1986-88, instr. and panelist arbitrator trng. programs). Democrat. Clubs: Calif. Tennis Office: McCutchen Doyle Brown & Enersen 3 Embarcadero Ctr San Francisco CA 94111-4003

HEILBRON, JOHN L., historian; b. San Francisco, Mar. 17, 1934; s. Louis Henry and Delphine A. (Rosenblatt) H.; m. Patricia Ann Lucero, Mar. 25, 1959. AB, U. Calif., Berkeley, 1955, MA, 1958, PhD, 1964; Laurea in Philosophy honoris causa, U. Bologna, 1988. Asst. dir. Sources for History of Quantum Physics, Berkeley and Copenhagen, 1961-64, asst. prof. history, philosophy of sci. U. Pa., Phila., 1964-67; asst. prof. history U. Calif., Berkeley, 1967-71, assoc. prof., 1971-73, prof., 1973—, dir. Office for History of Sci. and Tech., 1973—, class of 1936 prof. history and history of sci., 1985—, editor Hist. Studies in Phys. Scis., 1980—, vice chancellor, 1990—; Andrew Dickson White prof. at large Cornell U., 1984-90; chmn. Acad. Senate Berkeley div. U. Calif., 1988-90. Author: H.G.J. Moseley, The Life and Letters of an English Physicist, 1887-1915, 1974, (with P. Forman and S. Weart) Physics circa 1900: Personnel, Funding and Productivity of the Academic Establishments, 1975, (with W. Shumaker) John Dee on Astronomy, 1978, Electricity in the 17th and 18th Centuries: A Study of Early Modern Physics, 1979; Historical Studies in the Theory of Atomic Structure, 1981, Elements of Early Modern Physics, 1981, (with R.W. Seidel and B.R. Wheaton) Lawrence and his Laboratory: Nuclear Science in Berkeley, 1931-61, 1981, (with B.R. Wheaton) Literature on the History of Physics in the 20th Century, 1981, (with Wheaton) An Inventory of Published Letters to and from Physicists, 1982, Physics at the Royal Society during Newton's Presidency, 1983, The Dilemmas of an Upright Man: Max Planck as Spokesman for German Science, 1986, (with E. Crawford and R. Ullrich) The Nobel Population, 1901-1937: A Census of Nominees and Nominators for the Prizes in Physics and Chemistry, 1987, (with Seidel) A History of the Lawrence Berkeley Laboratory, vol. 1: Lawrence and His Laboratory, 1990, Quantitative Science Around 1800, 1993; editor: Benjamin Franklin's Briefe von der Elektrizität, 1983, (with T. Frängsmyr and R. Rider) The Quantifying Spirit in the 18th Century, 1990. Mem. History of Sci. Soc., Brit. Soc. History of Sci., Soc. for History of Tech., Am. Hist. Soc., Am. Acad. Arts and Scis., Am. Philos. Soc., Internat. Acad. History of Sci., Royal Swedish Acad. Scis. (fgn.). Home: 689 Alvarado Rd Berkeley CA 94705-1557 Office: U Calif 470 Stephens Hall Berkeley CA 94720

HEILBRON, LOUIS HENRY, lawyer; b. Newark, May 12, 1907; s. Simon L. and Flora (Karp) H.; m. Delphine Rosenblatt, Oct. 30, 1929, children: John L., David M. AB, U. Calif., Berkeley, 1928, LLB, 1931, LLD, 1961; LLD, Golden Gate Coll., 1970; DHL, San Francisco State U., 1988. Bar: Calif. 1931. Assoc. Heller, Ehrman, White & McAuliffe, San Francisco, 1934-48, ptnr., 1948—; sec., spl. cons. Dept. Social Welfare, State of Calif., 1932, asst. relief adminstr., Calif., 1933, spl. cons Dept. Relief Adminstrn., 1934-41; prin. atty. Bd. Econ. Warfare, 1942-43. Mem. Calif. Bd. Edn., 1959-61, pres., 1960-61; mem. Calif. Coordinating Council Higher Edn., 1961-69, chmn. bd. trustees Calif. State Colls., 1960-63, chmn. ednl. policy com. and faculty staff com., 1963-69; mem. Nat. Commn. on Acad. Tenure, 1971-73, Select Com. to Rev. Calif. Master Higher Edn. Plan, 1971-72, Fedn. Regional Accrediting Commns. Higher Edn., Council Post Secondary Edn., 1972-86, pres. San Francisco Jewish Community Ctr., 1949-52, San Francisco Pub. Edn. Soc., 1950-52; chmn. San Francisco Com. Fgn. Relations, 1977-79; trustee, exec. com. World Affairs Council No. Calif., 1951—, pres., 1965-67, trustee Sta. KQED, 1966-72, v.p., 1971-72; trustee Golden Gate U., 1969—, chmn., 1979-81; trustee Newhouse Found., 1956-76, U. Calif. Internat. House, 1953-77, U.C. Found., 1973-79; trustee Calif. Hist. Soc., 1978—, v.p., 1981-83, pres., 1983-85; mem. San Francisco Human Rights Commn., 1969-75; chmn. adv. com. San Francisco State Coll., 1970-76 Served to maj. AUS, 1944-46, ETO. Decorated Bronze Star. Mem. ABA, Labor Law Com., Phi Beta Kappa (pres. No. Calif. 1972-73), Zeta Beta Tau. Jewish (pres. congregation 1954-57). Home: 2164 Hyde St San Francisco CA 94109-1701 Office: 333 Bush St San Francisco CA 94104-2806

AWARDS AND HONORS

LLD. University of California, 1961

LLD. Golden Gate University

Doctor of Humanities, California State University

Distinguished Service Award, California Polytechnic College, 1970

Distinguished Service Award, San Francisco Bay Area Chapter of American Jewish Committee, 1994

Human rights award from NAACP Legal Defense Education Fund, 1978

Distinguished Citizen Award, San Francisco Examiner

Doctor of Humane Letters, California State University, 1988

President's Distinguished Service Award, California State University, 1976

Tribute reception, California Historical Society, 1993

Tribute to Builders, World Affairs Council, 1992

I BACKGROUND

Family History

[Interview 2: November 18, 1991] ##[1] [Session 1 has been deleted and material from it incorporated into text of succeeding sessions]

Hicke: I think that we should just start this afternoon by getting some of your family history.

Heilbron: I'll go back to my grandparents.

Hicke: That would be wonderful.

Heilbron: My grandfather was born in a little town called Donau-Eschingen in Bavaria close to the headwaters of the Danube River.

Hicke: Is the name of the town Donau or is Eschingen a state, or is it--

Heilbron: No, it's the town. It's a hyphenated town.

Hicke: Oh, I see. Okay.

Heilbron: He came over to the United States as so many young men did to avoid the draft into the army.

Hicke: I guess I should make sure: these are your paternal or maternal grandparents?

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[1]## This symbol indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

Heilbron: This is paternal.

Hicke: Okay.

Heilbron: His name also was Louis Heilbron. And he came over at the age of sixteen to the land of opportunity, but unfortunately he went south and immediately got conscripted into the confederate army in the Civil War.

Hicke: Oh dear.

Heilbron: And he served until the battle of Antietam. Now the story that has come down, through my father, is that he was riding a supply wagon during that battle, and the driver got tired and exchanged places with him, and shortly after that the wagon was ambushed and the driver killed, my grandfather wounded, but survived to the great benefit of my father, myself, and succeeding generations.

Hicke: Good for him.

Heilbron: Well, I've heard from a fairly reliable source that there is some skepticism to be attached to this story, that there's a certain amount of folklore about people who have survived calamities because they had exchanged seats just before the disaster. But I haven't any question that my grandfather would be telling what happened and that my father would be repeating it.

Hicke: I think that we should note for the record that your son John is an historian.

Heilbron: And he's the source of the skepticism. Although he's very grateful of further results.

Hicke: [laughter]

Heilbron: My grandmother was born in Louisville, Kentucky. Her maiden name was Sachs. I don't know when her parents came to this country, but her family dates from the early 1800s.

Hicke: From where do you suppose?

Heilbron: From Germany, probably Saxony, but I can't give you the location. Now, skipping where my grandparents lived from time to time, they wound up, when my father [Simon L. Heilbron] was about seven years or six years old, in Sacramento and they became a Sacramento family.

Hicke: Did they come West after the Civil War?

Heilbron: No, they lived for a time in Cincinnati, and I believe in Philadelphia, and I believe in Los Angeles, and finally found their way to Sacramento. My father spent his time in Sacramento until the age of eighteen. He had his own little orchestra in high school in that small town. They gave concerts, and his family felt that he was destined to be a musician and that he should go to Europe for his training. It was an age when doctors went to Vienna for their training, and musicians, it was assumed, would do the same. He spent six years in Stuttgart at the conservatory and met my mother [Flora Karp Heilbron] during this period. She was in another conservatory in Stuttgart where she was a graduate student in the piano. So they fell in love, and in 1904 my father came back to the United States and after a year sent for her. They were married and settled in Newark [New Jersey], near New York, where he was attached to several orchestras and he also taught the violin as my mother did the piano. My mother was prepared to be a concert artist and had an opportunity, after her graduation, to take an American tour under the same direction that Madame [Ernestine] Schumann-Heink obtained, but she elected marriage instead.

To go back to my grandparents, they remained in Sacramento until 1906 and moved down to San Francisco four days before the earthquake and fire. They purchased a home there, furnished it, and, unfortunately, it all went up in flames.

Hicke: Where was it? Do you have any idea?

Heilbron: I think it was either on O'Farrell or Geary Streets. They spent the rest of their lives in residential hotels, which was not an uncommon arrangement for retired people in San Francisco. Actually, my grandfather was not retired during most of his life. He was a vice president of Rucker-Fuller, the furniture company, and managed an estate or two.

Primary and Secondary Education

Heilbron: I was born in Newark, but soon developed an illness called Summer Sickness. It's my understanding that this kind of illness affected the lungs and was a serious matter. The final recommendation of the doctor was to take me to a more consistent and warmer climate. So really, it was my yelling and protest that caused us to move to San Francisco. I don't think anybody in the family ever regretted the move.

I spent my grammar school days at Pacific Heights School, that is, from the time of the second grade on.

My mother had been born in Vienna. Her family was still in Austria, and when I was in the first grade, I was taken out because she took me over to Europe to visit her family. It had been ten years since her marriage; she hadn't seen them, and she, naturally, looked forward to this reunion. It was not the best time for such an adventure. She had two sisters, and after visiting with one family, we went to the other in Sarajevo and arrived on the day that the Archduke Ferdinand was assassinated.

Hicke: Oh dear. That was 1914?

Heilbron: That was 1914, and there were tense moments after that event. I can still recall going through the Turkish quarter, because all of the produce--the vegetables and fruits--were thrown out into the street. There were strong feelings between Austrians, Turks, and the Serbs.

Hicke: Some rioting and so forth?

Heilbron: Some rioting. My mother's brother-in-law--he was postmaster general of the city--tried to assure her that the event would pass, just like the Moroccan event involving the Great Powers in 1911. But she decided that we had better shorten the stay that was supposed to be ten days or so, and we left after the fourth day. This was fortunate, because after our train crossed a river outside of Sarajevo on its way to Vienna and Berlin and Hamburg, the bridge was blown up by the Serbians. Even as we rolled through Austria, there were efforts by the mobilizing Austrian troops to board the train and somehow turn it around, because bullets were fired through some of the train windows, and it was something of an exciting ride.

We arrived in Hamburg a little early for the purpose of taking the return trip home, because we had shortened our trip in Austria with one of my mother's sisters, and we stayed at a hotel called the Hamburger Hof. After a few days, of course, Austria and Germany had declared war and we were in a wartime situation. Nevertheless, we had reservations to go back to the United States on the great, big, German ship the *Vaterland*, but on the early morning when we were to sail, the voyage was canceled.

Hicke: The ship was commandeered for other uses, or something probably?

Heilbron: Well, I don't know. The voyage was simply canceled. The result was that we were compelled to stay in Hamburg six weeks before

getting out of Germany. During this period, my mother made arrangements for five different ships, and none of them sailed. Well, the *Vaterland* ultimately became the *Leviathan*. The *Imperator*, which was a second ship for our reservations, was held in the United States, and many years later became the *Berengeria*.

We whiled away the time in Hamburg, visiting the American Consulate from time to time to see what could be done. One good thing happened, and that is that the battleship *Tennessee* crossed the Atlantic laden with gold for the benefit of American citizens caught abroad, and my father had purchased an allocation, and this solved financial problems.

A child of seven did not have much to do in the hotel to amuse himself, but he did--I'm referring to myself--look out the window across the artificial lake to the bridge where the railroads crossed--this lake was called the Alster--and it was an interesting view, but what attracted me was the huge number of trains that crossed the bridge. To occupy my time, I would count the cars on the trains, and I knew that these trains were filled with soldiers going to the front. As I said, we visited the Consulate on a number of occasions, and on one, the Consul said to me: "And now my little man, what do you do to amuse yourself?" I said I counted trains. "How do you do that?" "Well, we are staying at the Hamburg Hof that faces the Alster and there is that bridge across the Alster (it was an artificial lake), and the trains cross the bridge. And there are lots of cars and soldiers." "What do you mean by lots of cars?" "Well, there are about twenty to thirty cars. They are filled with soldiers and cross about every fifteen minutes, and I just count to see if there are more one day than another." "Hah," said the consul, "you must come in to my room and talk." So for well over an hour, he quizzed me. I always regarded the experience as the unofficial beginning of the CIA. [laughter]

So, coming back to California, I soon began my schooling at Pacific Heights. There were good teachers there. I can recall some of their names: Ella Stinson, Miss Bliven--she taught English and I think stimulated a reader's curiosity in her students which may have had a lasting effect on me. There was a woman called Old Lady Robinson--

Hicke: By you, not by herself, I assume. [laughter]

Heilbron: No, by the students. She was certainly quite advanced in years, but she was the strict disciplinarian in the school. Toward the end of my grammar school days, I became interested in tennis--of course it was boys' tennis--but I had a good deal of opportunity

to play at a park close to our house, the Alta Plaza Park. Incidentally, Pacific Heights was, as the other schools in the city were at the time, a neighborhood school. There were no cafeteria facilities, and most of the students went home for lunch and came back to school, and all of this could be done within the hour allowed, which would show how much of a neighborhood school it was.

Hicke: Where did you live?

Heilbron: On Steiner Street near Clay. I went to Lowell High School, and the interest in tennis continued.

Hicke: Did you have a choice in high schools?

Heilbron: Yes, we had a choice in high schools, but my friends went to Lowell and I went to Lowell, which even at that time had the reputation of being the best comprehensive high school in the city. I was serious about my studies but also very serious about my tennis at the time. This interest brought some good results: I won the Pacific Coast boys' title and the State boys' title, I think in my freshman year at Lowell.

Hicke: Is Pacific Coast a league for high schools?

Heilbron: Oh no, no. This was available to participants throughout the Western coastal states. The boys' event was simply one of a number of events: there were the men's events, the women's events, mixed doubles, and junior (over sixteen) competitions.

Hicke: It was a tournament?

Heilbron: Oh yes, it was definitely a tournament. And one of the classifications was the boys, which went up to the age of fifteen. I was thirteen at the time when I won these events. That was my major extracurricular interest for two years, but it took a great deal of practice, and I developed other interests. I also felt, with good reason, that I would never be a great men's tennis player. I had a good drive--forehand drive--but the rest of my strokes were not strong; my backhand was mediocre. And I had some good advice on this subject. Bill Tilden was aware that Western players during that period--during the period of the twenties--seemed to be close to the top of tennis, and that the younger players represented the future. He came out West and reviewed the various players, and he commented in an article or a book that I had a most formidable forehand drive, but that unless I improved my other strokes, my future as a top player was not likely.

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Heilbron: This observation did not disturb me, because I was quite aware of it myself and aware of my other interests. In particular, I became interested in the student newspaper, which I edited, and in student government, in which I participated. One of the events in high school that I remember, outside of the studies, was Boys' Day in my senior year. I guess it was a reflection of the times that we had a Boys' Day and not a Girls' Day. For some reason the boys were honored with a parade down Market Street, and participation was a good deal of fun.

But Lowell was facing trouble. The board of education felt that it was wrong to have one school open to everybody in town; that schools should be neighborhood schools, high schools as well as elementary schools, and that it was favoritism to concentrate too much on Lowell and its faculty. They wanted to move Lowell to the site of what is now George Washington High School. At this time, the site was close to the sand dunes in the western part of the city.

Hicke: This was 1924?

Heilbron: About that, yes. The students as well as the faculty and the alumni of the school were quite opposed to the board of education. At the Boys' Day parade, we carried a great banner which was anti-school board and pro-Lowell. Before we started our march, the police tore the banner down, and it was our first experience of the perils of political protest. I wrote an editorial in our newspaper concerning the idea that Lowell was going bye-bye to a place surrounded by sand dunes and near the Alexandria Theater, where all of the students would play hookey.

Hicke: Was that a movie theater?

Heilbron: Yes. [chuckles] And it would be a complete disaster. The editorial was not badly written, and the poor old principal Clarke got blamed for writing it. [laughter] It was a little embarrassing for me, too, because one of the forces behind the board of education was Mary Prague, the mother of Florence Kahn, who became our principal congresswoman after her husband Julius Kahn died. She was a friend of the family and wondered just what Louis was about.

Hicke: You didn't protest the abridgement of your first amendment rights--free speech?

Heilbron: There was no reason to, because the school was totally behind the newspaper and, after all, it was just a student newspaper.

Hicke: I was thinking about the police tearing down your banner.

Heilbron: No, we had no repercussions like that. On our side, however, we had Provost Monroe Deutsch of the University of California, who was an alumnus, and who supported the principle of the central school with a fine academic tradition. Several times during its history, this challenge has had to be faced by Lowell, the last one not too many years ago, but having been ranked by some expert educators as one of the twelve best general academic schools in the country, I think it's rather safe at the moment.

Hicke: You got an early start in defending educational institutions, didn't you?

Heilbron: Evidently. Students from many ethnic backgrounds are carrying on much of the reputation of the school at present.

Hicke: We can assume that Lowell came out of that in the same position it was before?

Heilbron: Oh yes, yes.

Hicke: And still is.

Heilbron: And still is, yes. Interestingly, in 1974 my son, David, argued successfully in the U.S. 9th Circuit Court[1] that Lowell, as a central high school for the school district, constitutionally could limit admissions to the top 15 percent of junior high school graduates (recognizing past achievement), thereby preserving its academic tradition and furthering public education.

Hicke: So you graduated in about 1924?

Heilbron: I graduated in 1924.

University of California, Berkeley

Hicke: What were you doing summers?

Heilbron: Well, during the summers I was playing in tennis tournaments. I did keep up playing and, actually, I loved the game. I continued playing when I was at the University of California and

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[1]*Berkelman v. San Francisco Unified School District*, 501 F. 2d 1264.

was both on the freshman and then varsity teams. But it was not a sole interest.

I went to Berkeley at an interesting time. I enjoyed my classes in various departments in the Letters and Science school. I joined a fraternity, Zeta Beta Tau, at a time when fraternities determined most of the student life.

Hicke: Did you commute from home?

Heilbron: No, I lived in the fraternity and had my share of burdens and pleasures. All of the pledges had chores, to do and one of the most interesting was to walk at midnight down through Berkeley far into Oakland, counting the different kinds of stores--making an inventory of them--and reporting the inventory to the junior in charge of the pledges.

Hicke: [laughter] Another branch of the CIA at work?

Heilbron: No, this was simply one of the duties of the pledges.

Hicke: Actually, there was a fair amount of hazing going in at that time.

Heilbron: Mild, compared to other kinds of hazing. I was quite diligent in this project and thought that I had reported every store with accuracy. But the junior in charge refused to accept a perfect score and told me that I had missed several retail outlets, all of them fictional [laughter], but I passed, and was admitted into the brotherhood. I recall, now that you mention hazing, we had a medical student living in the house--a fraternity brother --by the name of Harry Blackfield, who became quite a well-known--

[tape interruption]

Heilbron: --plastic surgeon. He conspired with a classmate of mine, George Lavinson, to teach the brotherhood a lesson. We still had tubbings in our house, for what were deemed to be major infractions of behavior. Tubbing meant that you submerged a brother--a pledge--in a bathtub of water for some little period of time and brought him up lively, but shaken. Blackfield did not believe that this was such a constructive idea. Well, he put a little red dye up Lavinson's nose and told him how to hold it, and Lavinson was being tubbed for an infraction. So he was under the water a bit when the red dye began coming out into the water, and the tubbers were frightened beyond belief, lifted him up, yelled for Harry, carried him into Harry's room. Harry responded, "You fools get out and let me take care of this!"

[laughter] And, of course, he did, with a great deal of laughter with George. But the lesson was learned and tubbing was abolished. A number of years later, tubbing was also abolished in all fraternities by university orders.

Hicke: Probably not until after some accidents or something.

Heilbron: Well, I don't know, but in cases of what amounted to physical punishment, it was obviously beyond reasonable behavior, and I think everybody grew up. I may have more to say about that, because I became assistant to the dean of men in charge of fraternities, and so these events had their effect.

On the academic side, I was interested in many professors and in a number of subjects. My major was political science, but I had a strong minor in English.

[tape interruption]

Hicke: Well, it's pretty clear that you were already interested in political science, even from your high school days, and so you probably carried that forward, and I wonder if you could tell me a little bit about some of the people who taught you and some of your recollections of them?

Heilbron: I'll be glad to do this, not to try to repeat the subject matter of what these professors taught, but to give you perhaps some idea of their personalities and their diversity.

Hicke: That would be good.

Heilbron: Well, let's begin with David Barrows, who was the president of the university prior to the time that I entered it. Barrows was the chairman of the Department of Political Science, and he gave the introductory course. He was one professor, probably the only one in the university, who, as he came onto the stage to give his lectures, was applauded enthusiastically. And this was done at the end of every lecture.

Hicke: Before and after both?

Heilbron: Before and after. His effectiveness might be indicated by the fact that he addressed the Commonwealth Club of San Francisco on numerous occasions and was one of their favorite lecturers. He had been a general who served with the American forces in World War I, or perhaps post-World War I. His area of service was in Siberia. He was a very handsome, fine-looking, attractive man. I don't know what the story was with reference to his presidency, but I believe that the faculty felt that it smacked

a bit too much of military procedure or discipline. I don't know that.

He was not only eloquent with respect to the subject, but even more interesting in his diversions. And they were many. I remember when he announced the subject of his lecture was the government of Mexico and how it adopted some of the structure of the American system of government, but he pointed out that that wasn't the only country that did this kind of thing, and he referred to Czechoslovakia. And then he talked about Czechoslovakia having its own independent government after World War I. That reminded him of the brave Czechoslovakian soldiers who had escaped capture in the war--I assume that they were part of the Austrian army, because Austria had been composed of what was Bohemia, Hungary, Serbia, and so on--but this division, or group of the army, escaped being captured, and crossed all the way to Vladivostok in a very heroic and dramatic crossing while Russia itself was in turmoil.

So this was the story that we heard on the subject of the government of Mexico. [laughter]

Hicke: He had what you'd call a far-ranging mind, I guess.

Heilbron: Certainly, it was enlightening, because it told something of the character of the people who were then building the new government and the society of Czechoslovakia. Another memory is his discussion of the Spanish-American War, which I don't think had a great deal to do with the political science subject of the moment. But it had to do with the capture of Guam. Close to the end of the war, an American cruiser sailed into the bay of Guam and shot a couple of rounds in warning but did not receive any reply. After a while, the Spanish governor of Guam came out in a boat, and he apologized to our navy saying that he didn't have any ammunition, and that that was why he didn't return the salute! And he didn't know that there had been a war between Spain and the United States. The unforgettable fact was the absence of communication to the extent that the Spanish government of Guam did not know there was a war on. What better evidence could there be of the one-sided nature of these hostilities?

These are incidents I remember, while the textbook analyses of the governments studied I have forgotten.

Hicke: Good point.

Heilbron: In due course, Barrows did cover the political theory and did outline the three segments of the United States's structure, but

I guess he was such an effective lecturer because of his diversions.

Then there was a professor by the name of [Frederick] Teggart. He had a son who also became a professor, but Teggart had been in the Department of History, and became a renegade historian. They didn't like the way he taught. They gave him a department, that is, the university did; it became the Department of Social Institutions.

Hicke: They gave him this department?

Heilbron: Yes. It was a separate department--newly created. And he was pretty much the department. He had a little different view of history than many historians. He said, simply, that for the most part of the Middle Ages, there was no history: there's no history unless there's change, was his point. It's all right to go into the social structure of the people. It's interesting, extremely important--

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Heilbron: But the repetition of generations in a cycle of similar lives didn't represent to him a great deal of history.

He also had special views which respected the dynamics of history. He believed history very often began in East Asia. He pointed out the Mongols crossing the Asian plains, and Genghis Khan, who had profound and lasting effects all through Europe. In our time, China was quiescent and weak, divided up among warlords, but Teggart said, "Let that country awake. Let those millions and millions of people come together again, and the dynamics of that pressure will again affect world history."

Hicke: He was right on the mark there, wasn't he?

Heilbron: Yes. Well, I didn't anticipate this, but let me think about others for a moment.

Samuel May was the professor of Public Administration. And he gave a completely different picture than the other academic professors. He was interested in how government works and how to set up departments in Sacramento and how to make them more efficient: how you got the best personnel. His course was unquestionably the most boring in the political science department and undoubtedly the most practical. For a person who was truly interested in administration, it was a very valuable experience. He would come to class with bundles of bulletins and administrative mimeographed materials, and in his lectures

he would pick up one and then pick up another. I never could understand how he could, out of all the load that he carried, pick up the things that he wanted to stress. But he was a very helpful man, although I can't say, to me, interesting. Certainly people who were directly interested in going into government knew that if they wanted to get into civil service in the state, they'd better take Professor May's course.

Then there was Ira Cross.

Hicke: That's a familiar name.

Heilbron: He gave the classic introductory course in economics. And he demanded absolute attention and silence. His course was given in Wheeler Hall, was always filled, but he had an eagle eye and saw every movement. If a girl used her lipstick, or powdered her nose, he would stop his lecture and he would say, "Now, when that young lady in the seventh row gets through powdering her nose and otherwise making herself as attractive as she can be to the people on all sides of her, I'll continue the lecture." [laughter] On another occasion, he told some girls who were chatting that unquestionably what they were talking about "is more important than what I'm talking about, but if you will please do me the courtesy to let me finish my lecture," as a matter of fact, he said, "I don't see why I should give young ladies any particular benefit. I will give an A on the midterm to any man who comes into this class and shaves." [laughter] So the very next lecture, two young men came in and set up shop with their mirrors and shaved, and he gave them A's for that midterm.

Hicke: Sounds like economics wasn't as dull as it often can be.

Heilbron: He made the course interesting and rather exciting. By insisting on the attention he got, he also stimulated concentration on the textbooks that we were assigned to read. We used Ely's textbook on economics, which I'm certain today is entirely outdated.

And there were professors in my minor, English. Professor Willard Higley Durham was one. He had been one of the editors of the Yale Shakespeare and taught the general course on Shakespeare. He also taught the *ad variorum* course, the detailed, textual interpretation of the plays. He would discuss the Shakespeare plays--we read one a week--then, occasionally, he would act part of the play. I remember his acting of Bottom in *A Midsummer Night's Dream* that made everybody very happy.

Another professor of English, who taught a limited course in Shakespeare, was Ben Kurtz. I remember a rather quiet time in his class; the discussion of a play was not particularly lively. He frowned, and suddenly picked up a copy of the play that we were discussing. I can't recall the play, though I believe it was one of the comedies. And he said, "You know, when you people go out of this classroom and you carry this book with you, do you know that you are holding a masterpiece that has come down hundreds of years? You should be so thrilled that you are carrying this book, that you are fortunate enough to have inherited it, why you should go running and jumping down the street!" Suddenly the class sprang to life. It was quite a thrilling moment, and one that I'll never forget. It was the enthusiasm of a truly dedicated teacher.

Hicke: So that was infectious.

Heilbron: Yes. Getting back to political science, I recall a professor of government who was not an interesting teacher. I think that the course covered the relationship between the three branches of the federal government, with emphasis on the executive branch. The only amusing thing he ever said was when we went into a church where we had to take our final examination, and he came in and said, "Well, let us bow our heads and pray," before the examination began. And that's a terrible thing, really, to remember that one thing after a serious semester's course.

Hicke: But it says something about his course, though.

Heilbron: I suppose the clearest textbook I ever read was Raymond Gettell's *History of American Political Thought*. It was a very well-written text, and, of course, he used it in connection with his lectures. I got to know him pretty well because I played tennis with him. It was a chance I had to run him around while he ran me around in class. He could get every ball. He must have covered a marathon in court play. But he was a very pleasant man.

There was a professor [Samuel] Holmes, who was quite a well-known person in zoology, which is where we got into a discussion of heredity.

Hicke: You took his zoology course?

Heilbron: Yes. He said, "Now, you know, I'll wager that there are people in this class who are descendants of Napoleon." Everybody of French descent perked up quite a bit. "Yes," he said, "I would say that among the liaisons he had, he had a tremendous number of children." He did get to heredity.

I remember a professor of Greek history that I had, by the name of [Ivan] Linforth. I'm not sure why I got into this class. I think I needed two units, and it just fit in. It dealt largely with democratic government and, after a while, with Plato and Aristotle. You couldn't want better theoreticians. He made ancient social life extremely interesting. You realized that the roots of your culture went all the way back, and it was not then a study of an ancient regime, it was a study of something that was currently very important; when I say currently, I mean the mid-twenties, but the characterization still applies. He discussed the city-states of Greece: their rivalries, their attempts to compromise, when their compromises failed, and the wars they had, and all you did was to translate those city-states into nations and you had World War I with many of the same issues, apparently the same mistakes, the same misunderstandings, the same challenges. So that was a worthwhile course.

Let me mention another introductory course, given by Professor [Jacob] Loewenberg--a professor of philosophy. He had the most analytical way of presenting alternatives. He spoke with a German accent, and he spoke about the problem of evil and how it might be solved in a positive and a negative and a neutral way. He was every inch an academic. He did not like singing by the class before the class began. I don't know whether it is still done, but during the days before the Stanford-Cal [Big] game, everyone broke out into song for about five minutes before class began.

Hicke: Before every class?

Heilbron: Before almost every large class began. A person like Barrows loved it. In the first place, it's quite true that you get a unified feeling among your audience when they have enjoyed singing their song. But Loewenberg didn't like it at all. He said, "If I started to lecture on philosophy while you were looking at the start of a football game in the stadium, you would not allow me to do that, would you? Well, I don't think it's right for you to sing university hymns or whatnot before I give a serious class in philosophy." And then I think he tried to say that that was an evil and that you could solve it in three different ways. Say there's a noise. You could say that the noise is good, you could say the singing is good. That's the positive solution. You could say that it interferes with the class, but you somehow feel that the words of the professor can be absorbed: you can hear them at the same time as the noise and reconcile yourself to it so that you can absorb it even though it's negative. Or you can be totally indifferent to it and it doesn't matter whether you're singing or not singing, it

doesn't interfere with the philosophical enterprise. I probably don't have these solutions in the exact order or in the way he gave them, but you can ask almost anybody who ever had his course, and they will start out with, "Now, there are three solutions to the problem."

Indeed, after I graduated, my wife and I gave a party, and we always tried to have something new and stimulating at our parties. So we asked [Bernard] Bernie Witkin if he would give a lecture in the Loewenberg manner, and he did. Loewenberg had died, and Witkin said that he was the ghost of Loewenberg and that it was reported that he was dead, but there were three solutions to the problem. [laughter]

Well, finally, I'll mention another professor, although I could add a few more, but this was a man who had considerable influence with me: Arnold Perstein, a professor of public speaking. He became a very good personal friend, both while I was an undergraduate and after we were married. He was an extremely articulate man, but he couldn't bring himself to discipline himself and dig in and write a thesis and get his Ph.D. I believe finally they made an exception and granted him a full professorship, years and years after he should have achieved that status.

Hicke: Still without writing his Ph.D.?

Heilbron: Without writing his Ph.D. He won that battle. He rarely prepared for his classes, but he would bring a magazine, *Harper's*, or *Atlantic Monthly* or *The Nation*, and read some excerpt from the article, and get the class to discuss it. He'd call a person to come up front and speak. Then he had the class criticize the presentation; then he added his own comments and analysis. He didn't make fun of people. He was constructive and very amusing. He was not a scholar, he was a teacher, and simply used current materials to stimulate and provoke students. He was the coach of the debating team, or one of them; the other was Ewald Grether, who succeeded him.

Hicke: Were you on the debating team?

Heilbron: Yes, I was on the debating team. I had some interesting times. I recall debating Cambridge University. They came to Berkeley with a sophisticated team of two graduates; one of them had written a brilliant book called *Plato's American Republic*. We were juniors on our debating team, Garff Wilson and myself. We debated the subject of: "Resolved: That we deplore modern women." We defending modern women, whom we hardly knew. They

had the greatest time playing with the subject. At that time, making fun of the feminist movement was very easy--

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Hicke: Much easier than it would be now.

Heilbron: And caricaturing the flapper was no problem. Our rather feeble defenses were not very effective. It wasn't a case of winning or losing the debate. We followed the British practice of the day and did not have a declared winner. The whole idea was to have a good time through use of your cultural resources and your wit. This procedure influenced California debating for several years.

Hicke: Just this one debate with this team, or the whole idea?

Heilbron: No, no, previously Oxford [University] had come to California, and another team had debated them on the same basis that we were debating them, but much older debaters before us, and I guess those who later succeeded us felt that following this English procedure was a mistake: that if you have an issue, one side or the other deserves to win, as happens in real life. Maybe one had the wrong side of the issue, but if you were able to articulate it better, if you could prove your position better, you deserved to win. Actually, we were competitive in most of our debates against American university teams. We had gone on extended tour and had done quite well in Eastern universities, in fact, won most of our debates. So we were absolutely unprepared for this type of debating. That was in our junior year.

In our senior year, we tried to imitate the British method, or lack of it. Interestingly, campus interest in debate increased during that period, because the lighter approach provided more entertainment. When I say we were unprepared, it wasn't because we were ignorant of the prior Oxford experience, it was because we did not have the personal experience with the English style. What it did was to improve style by sacrificing substance. It made it more interesting for the audience, but there is no reason why the same interest can't be evoked by being as amusing as you wish while concentrating on substance.

Boalt Hall School of Law, 1928-1931

Hicke: While you were in political science, did you have it in mind to go to law school, or were you thinking of going to government service?

Heilbron: Perstein would say, "When you get into law school, you'll find a tighter discipline." My family would say, "With your political science and debating, I guess you're going into law." I don't know whether I chose law or whether I drifted into it, but just like it was assumed that I was going to the University of California, it was pretty much assumed that I was going into law school.

Hicke: How far back had this started? On the part of your family, anyway. High school?

Heilbron: No. I don't think the family gave special thought to it. They felt that I was going to the university and, one way or another, I would find a career that I wanted to follow. But no one assumed that I should go to law school as the family assumed that my father should study music in Europe.

Hicke: He didn't really have any choice, did he?

Heilbron: No.

Law school was a different and interesting experience. It wasn't as much fun as undergraduate life, but, of course, it was focused. I went into Boalt Hall at a propitious period of its history. Six of its principal professors had been deans of law schools in various parts of the country. And Harvard had tried to lure the entire group as a package because of their distinction. And they all elected to stay in California at Boalt.

Hicke: This was 1928?

Heilbron: This was 1928 to 1931. I can tell you about some of them.

Hicke: Yes, please.

Heilbron: Professor [George] Costigan taught a course on contracts. He developed his own case book, which, on many pages, showed four or five lines of the case itself, and the balance of the page contained footnotes. Professor [Henry] Ballantine taught Torts. He used to engage Costigan in playful conversation and ask him why didn't he just put all the footnotes in large type, and

subsume the case in small type, and why did he bother with the case at all? Costigan used his footnotes, drawn from any number of citations, to indicate the various alternatives that could apply as a matter of principle to the case itself.

He would keep a class in suspense by asking questions of various members of the class, who gave their view of the case, and he would tear it down as lacking one element or another, or being simply wrong. Now we used textbooks that we purchased from prior classes, and a few of them had what they said was Costigan's view in the margins. So one person gave this view, believing that he would be the hero and get the commendation of the guru. Then Costigan said he never heard of anything so absurd! [laughter] And that's the way he conducted his class. His theory was this: if you can see the problem, you'll find the answer. The library is full of the cases to investigate, but there's no use trying to get an answer if you don't see the problem. The various approaches he indicated in his footnotes were all indicators of where the problem rested.

Hicke: So, no matter which approach you took, he would take some other tack.

Heilbron: That's right. He stretched the mind. Ballantine, as I indicated, was completely the other way.

Hicke: All text and no footnotes?

Heilbron: Yes, the case itself, of course, was printed, and then any of his comments were printed in large type; they were his view, quite clearly, and he believed it was the right view. There weren't too many competitive views. He might indicate an alternative, but if he did, it was consciously done, and the preferred alternative was the one he indicated. And as I say, he was very precise in the use of language. One of our classmates, who became quite a well-known trial lawyer after graduating from Boalt, was curious about one matter that came up in discussion, and he asked, "Now, Professor Ballantine, take this suppository case..." and Ballantine looked at him rather sternly and said, "At the outset of your legal career, you should distinguish between your legal and medical terminology." [laughter]

Then, of course, there was "Captain" [Alexander] Kidd. He was a loveable, irascible man, who always wore a green eyeshade. He had his own style of teaching. I had two classes from him: criminal law and a class on sales. One class I remember vividly, in criminal law, was during a relatively calm question-and-answer period. Suddenly the door burst open, and an older

student came in with a pistol and fired a shot at someone in the front of the room who fell over from his chair, and the gunman immediately turned tail and ran out of the room, leaving a gasping, horrified, class. In a moment, Kidd said, "Well, now you've seen a murder." [laughter] "Now, I want you people to write and tell me what you saw." He got any number of versions of what occurred. And after he read some of these versions, he said, "Now, lady and gentlemen," because there was only one woman in the class, "you can see how important circumstantial evidence is and how variable witness evidence is."

[Interview 3: December 3, 1991] ##

Hicke: We had just said a little bit about Captain Kidd, and I thought I'd start today by asking you if there is more to relate about him.

Heilbron: I recall that he taught a class on sales, and it was very ingeniously and imaginatively constructed. He took a sale of some significant piece of personal property, I think, perhaps, an automobile, and developed an entire course from this single transaction. It meant that he had to change the nature of the transaction from a straight out sale to an installment sale to a lease with an option to purchase, but he developed every possible angle with respect to this transaction. It was an interesting academic procedure.

Hicke: And then he would give you questions on how to go about dealing with each one of these possibilities?

Heilbron: Well, he would inquire with respect to the legal obligations of the parties as a result of each change in the factual arrangement of the transaction.

Hicke: Would you have to look that up yourself, or would he talk about it first and then give you certain things to look up?

Heilbron: We would have to do much of the looking up ourselves; that was the point of his attack.

Hicke: You told me, also, that you were in Roger Traynor's first class that he taught.

Heilbron: Yes, Traynor had just received a doctorate in political science, I believe, and his J.D. in the same year, and he was ready to start teaching. He taught equity as the first of his courses, although he was a specialist in taxation. He was very considerate of his students, very modest in his approach,

indicating that he was just as new with the subject as we were, but he was easily to be identified as a scholar from the start.

Hicke: How did they happen to have him teaching equity? Is that what they needed?

Heilbron: I don't know. Well, I think it developed in this way: it was a course taught in the summer, and I took some extra work that summer, and I suppose that that was the course that was designed for the summer.

Hicke: And then you said you had Max Radin?

Heilbron: Yes, Max Radin was an extremely interesting professor. He spoke a number of languages, he was very colorful in his conversation and his lectures, he was very amusing. He taught a class in bankruptcy and pointed out at the very start that he might be suspect because he never could balance his checkbook. When the D'Oyly Carte Opera was in town, that is, in San Francisco, he told his class that whatever classes in law they might have to miss, they should be certain to go to San Francisco to see these imaginative operas and Mr. Gilbert's imaginative use of the technicalities of the law to resolve his opera problems.

Hicke: That's true. I never thought about that, but Gilbert and Sullivan did write about the law.

Heilbron: Oh, a great deal, a great deal. Radin was appointed by the governor to be on the California Supreme Court, but the appointment was not approved. It was quite unfortunate with respect to Max Radin, who certainly deserved the appointment, but he did make a mistake. There was some case in the San Joaquin Valley, and he wrote the judge his view with respect to the case, and the San Joaquin Bar was very much upset by what they claimed to be an effort to influence the outcome of a pending case and that it was unethical for him to have written this letter. I believe that there were political questions involved--Radin was known as a liberal, I think his opponents in the valley were conservative and didn't want his appointment to be confirmed. It was an unfortunate incident; however, it resulted in the appointment of an extraordinarily fine judge also from Boalt, and that is Roger Traynor, who became one of the most important chief justices in California history.

Hicke: It's not unusual, is it, for some professor in an academic position to write a letter like that? Or is it?

Heilbron: Well, I think that it was not the wisest thing to do. I never saw the letter and I don't recall its production in print--it was a newspaper item, of course. But that's what happened.

Hicke: Did you also have a course from Professor [Dudley] McGovney?

Heilbron: Yes.. He taught the course in constitutional law. I remember one of his colleagues coming in after class and saying to him, "What do you mean by constitutional law?" he says, "There's nothing but constitutional politics!" and McGovney, of course, seriously defended his subject. McGovney dealt with all of the basic constitutional principles. We used his case book. I recall that the case book started with several early colonial cases involving the question of the application of natural law.

When we began reading, analyzing constitutional law cases, McGovney would always ask, "Where do you find that principle enunciated by the Court in the Constitution?" and he would not accept the idea that natural law was recognized in the Constitution in any way. He might say, "Well, what you're saying is you want justice and therefore natural law must apply." But it's rather interesting that he was very careful in analyzing cases always to inquire, "Where do you find it in the Constitution, expressly or impliedly, conservatively or liberally construed?" And, considering what the basic issues still are, it was pretty good training.

There's one more person I should talk about, in connection with law school, and that was Dean [Orrin Kip] McMurray. Very affable gentleman. I had only one course from him, on jurisprudence, which, at the time, meant a history, pretty much of the common law as applied in England and the United States as it evolved in both countries.

One matter that I remember is, I suppose, generally known, but came as a surprise to students at the time, which is the strange development of the jury system in the medieval period and shortly after. At that time, a man accused was judged by his peers, and his peers were the people who knew him. So if he were accused of a crime, the people that knew him best would be trying him, and would be, they thought at the time, the best judges of credibility as well as of character. Now, of course, the jury is selected on the basis that it knows nothing about the case, could know nothing about the case, never read about the case, never heard about the case, and the question may be, was it better during the period of the origin of the system, or is it better now?

Hicke: Or might there be something in between?

Heilbron: I would say that probably the answer is that there is something in between, because if you are tried by your friends, you have a pretty big edge toward acquittal. If you're tried by people who have not had the curiosity to read the newspapers or know too much about the environment around them, it is questionable how good a jury you are obtaining and what the risks are; it is more of a gamble.

I might add another matter relating to the change of a legal concept. I participated in the Moot Court competitions, and, along with George Moncharsh, we were able to prevail and win the Moot Court competition in our senior year. We received a complete set of *Corpus Juris [Secundum]*, the principal American legal encyclopedia of the day.

But returning to constitutional law, it was interesting that, within three or four years after the receipt of this prize, most of the principles stated with respect to the commerce clause of the constitution--the regulation of interstate commerce--that had been stated in the negative in the encyclopedia, now had to be stated in the positive. In other words, the commerce clause suddenly covered the regulation of transactions and the work of people (for example, child employment) that had been barred before. Which reminds me of the brilliant Professor Barbara Armstrong, but I will talk about her later.

The annual moot court competition is now known as the McBaine competition. James P. McBaine taught us common law pleading with dry humor and with the message that precision in procedure is still a virtue.

During the period that I was in law school, I was assistant to the dean of men.

Hicke: What did that involve?

Heilbron: That involved mostly the relationship of the university to the fraternities on campus. That was a rather interesting experience. The fraternities tended to be quite independent and autonomous and did not cooperate with one another on what should have been mutual questions. But one of the projects of the office was to change that program.

Hicke: That is, to organize the Greeks?

Heilbron: To encourage their organization among themselves, because there was an element that believed in a kind of United Nations of Fraternities, that is, on the campus level. So we finally got the Interfraternity Council organized, and the next problem was

to be sure that the first project that they engaged in would be successful. And it was. It turned out that two fraternities that had exchanged social affairs had, from time to time, taken each other's silver, and we brought about--the Interfraternity Council, that is--brought about a peaceful settlement [Hicke laughs] of this issue. [laughter]

Hicke: International questions.

Heilbron: What happened on the day that the fraternities gave back to each other the silver that they had taken was that about 122 pieces of Southern Pacific silverware got exchanged for about 137 pieces of the Hotel St. Francis [laughter]. But seriously, we faced the problem of fraternities having financial troubles. A good many new houses were built in the twenties, and the mortgage payments became due, and some of the fraternities were in danger of losing their homes. We gave them guidelines on what action they should take, and that was principally to involve their alumni in their financial situation and in the remedies that were available. I believe that we saved all but one of the fraternities. Somehow they managed to get through the Depression period, at least during the period that I was there, in the two years of 1930 and '31.

Hicke: They were able to solicit enough help from their alumni?

Heilbron: Alumni, yes. And our office and the council did help a few of them improve their academic ratings, also with help and pressure from their alumni. Well, after all, I did get out of Boalt Hall and did have the problem of a first job.

Hicke: And that was in '31 you graduated?

Heilbron: I graduated in '31, but I took Mr. [Bernard] Witkin's course on the bar review.

Hicke: He must have been a pretty young man at that time.

Heilbron: Yes. There are all kinds of stories about how the great Witkin enterprise got started--his *Summary of California Law*, which has been revised so many times and which is now the absolutely indispensable research resource of judges, lawyers, and law clerks in California, and is used throughout the United States.

Hicke: He doesn't want to be interviewed for an oral history, so if you have anything to include about him, we'd appreciate it.

Heilbron: Bernie Witkin was in the class of '27 at Boalt, but he told Professor Barbara Armstrong that he had skipped all the classes,

and one could pass the examination without attending class. She refused to give him the credits he needed to graduate, and he was not graduated in 1927.

He decided to take the bar examination anyway, and he went to a preparatory course during the summer given by a man by the name of Dahlquist. He passed the bar.

But he felt that to become an accepted lawyer one had to be a graduate of an accepted law school; so he returned to Boalt. During his summer of preparation for the bar, he took prodigious notes and checked them against citations. His notes were valuable enough so that he sold them for fifteen dollars to eight of his contemporary students. Since he had a great deal of time when he went back to the law school for a minimum curriculum and for final examinations to graduate in 1928, he further refined and extended the notes, so that by the time of his graduation, he had a substantial summary of California law, which he decided to publish. It was sufficient material for two volumes. He had done his work alone but felt the need of company to index it, and he had an index party at his home, which took most of the night.

A small number of friends were invited, including me and Delphine, who was to be my wife a year later. We cannot recall the actual process of the indexing, but we remember that Bernie went page by page, distributing the words and phrases he wanted indexed on a topical basis to those of us present. We wound up with a vast number of slips of paper that Witkin was then able to alphabetize, and the index was completed in that one night. We had the benefit of substantial amounts of Italian wine of a quality calculated to keep us more awake than asleep.

After completion of the index, Bernie and his family assembled the pages but gave the material to a local binder, who put two books together in dark red covers, and they constituted the first edition of the *Witkin's Summary of California Law*, which now consists of thirty-six volumes and at least twelve supplements.

Witkin sold the books for fifteen dollars each and gave his own course preparing students to take the bar, beginning in 1930 and continuing for twenty-five years. During the entire period, he gave substantive lectures, but he asked me to give two supplementary lectures: one on legal history and the other on how to analyze and answer examination questions, which I was glad to do in the early thirties.

Hicke: But by the time you were ready to take the bar, he was offering the course?

Heilbron: He was offering his course, and it became a staple for many years.

II RELIEF IN CALIFORNIA IN 1930s

Appointment

Heilbron: After passing the bar, I then, unlike the students now, who have summer jobs with law firms and who develop contacts and relationships one and two years before they graduate so that by the time they graduate they know just where they're going, we didn't have this procedure available, nor were firms taking on summer clerks, so I had no background in that kind of procedure.

I went to several law firms. I was introduced to Mr. [Sidney] Ehrman by Monroe Deutsch, whom I got to know when I was a student and who was very friendly and supportive. Mr. Ehrman told me that in the last two years they had taken several new associates and there was no position available, but when the first vacancy came up they would communicate with me and, if I was still interested, he thought that arrangements could be made. One of the other firms that attracted me because of its name, was, I think, Derby, Sharp, Quinby, and Tweedt, because of its Dickensian name. They were involved in admiralty--

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Heilbron: --and I had an idea that, perhaps, admiralty law was invested with some kind of the romance of the sea. But when they showed me the kind of admiralty contracts, the invoices, inventories, credit forms printed in the smallest italics and difficult to read, I realized that admiralty law was not as romantic and interesting as I had hoped.

Hicke: Was this a San Francisco firm?

Heilbron: This was a San Francisco firm. While I appreciate that admiralty cases can be extremely important and interesting,

relating to traders, ocean freight, accidents at sea, fishing rights, and so on, I dropped my interest in the specialty.

Albert Rosenshine, who had been speaker of the [California State] Assembly and was then, I believe, counsel to the Superintendent of Banks--

Hicke: For the state?

Heilbron: --for the state, took an interest in me and recommended that I make a start in state service rather than in private practice. He had just completed a term as a commissioner on the [California] State Department of Social Welfare Commission. He knew that they desired to bring the welfare laws of the state into cohesive form--the laws were scattered throughout the statutes for the most part--and thought that I would be interested in doing some of the work of coordination and revision. The result was that I was employed by the [California] State Department of Social Welfare to do a survey of the indigent law and related provisions.

It was a little difficult politically, I suppose, because everyone in the department was a Republican, and I was the only Democrat. Somehow he sold me to the director, a woman by the name of Rheba Crawford Splivalo. She had and was having an interesting career. She was the daughter of a Salvation Army captain and had been doing charitable solicitation on the New York streets where she was known as the "Angel of Broadway." The trained professional social workers of the state were not so sure of her status as an angel, but suspected her as a political figure. However, I was promised a free hand in the way I conducted the study and the results.

Hicke: Did you interview with her before you started?

Heilbron: Yes, I had a brief interview, but I believe the matter was fairly settled--the work seemed harmless enough to the political administration--and so I came aboard, was given a pleasant office in the state building, and went to work.

Hicke: Here in San Francisco?

Revision of the State Indigent Laws

Heilbron: Here in San Francisco. The principal indigent law of the state went back to 1901, and reflected some Elizabethan standards for

indigent aid--a rather substantial period before a person could apply for aid, that is, a substantial period of residence, both in the state and the county, derived from the old English idea that people should stay in the county where they're born and shouldn't drift to another county that might have to support them, and also, perhaps, there would be one less tenant farmer for the employer in the county that the worker left. The old English idea, during Elizabethan times, was that the population mainly should stay put. There were, of course, modifications to that historic principle. The law did stress the idea that family members should help each other so that the applicant need not apply for any charitable assistance anywhere.

Hicke: So in order to qualify you needed to show that you had tried, already, members of your family and members could not help.

Heilbron: Yes, your spouse, your parent, and your adult child, but the procedures for enforcing responsibility were not very clear, and this was one of the matters to be corrected. Well, finally I developed a statute which was passed through the legislative counsel, pretty much intact, and was acted upon by the legislature in June of 1933, and signed by the governor shortly afterward.

The pressure to maintain a long period of residence in the state and county, or a relatively long period, was still present so that in order to qualify, an indigent had to be a resident of the state for three years and of the county for one year. It was a county responsibility to take care of it. We spelled out carefully the procedure by which the family support was to be obtained, if possible. The person might get emergency aid pending resort to family. A person also had to use his own property to the maximum before he became eligible, and even if he got aid, if he inherited some property after the receipt of the aid, the county had a claim for reimbursement against his property. The official charged with the enforcement of claims for support was the district attorney, and if the district attorney obtained an order establishing the financial responsibility and ability to pay of family members, and they disregarded the order, they were committing a misdemeanor and he could take criminal action.

Well, this was all pretty harsh and technical, but we were well into the beginnings of a depression, and we tucked a little clause in the statute saying that the county may give such emergency relief as may be necessary to nonresidents. This gave the authority to meet the emergencies of the depression.

Hicke: That's not such a little clause. If somebody had looked at it--

Heilbron: It was a little clause in length and width, but it was an important clause for administration. But the financial problems of the county still remained. It was made clear in the statute, as it always had been, that you couldn't apply for indigent aid if you could obtain aid from your family, as I noted, aid from friends, aid from private charities. Most assistance in the state of California, as, I suppose, throughout the United States, to the indigent population was given by private charities. If you were able-bodied, you were expected to work, you were expected to have a job. Why should you be an indigent? That was more or less the American ethic, and, at least during prosperous times, it was quite generally assumed, and the twenties were fairly prosperous times. Prior to the twenties, there had been the war--World War I--where everybody had a job, and before then it was a time of expansion, so that since the early 1900s it was quite expected that there would be no serious problem of indigents--people who were destitute--that couldn't be taken care of by private charities.

Hicke: So it was not within the experience of people then to have all of these people out of work?

Heilbron: That is correct. Now that didn't mean that the counties did not have some people on their indigent rolls, because everybody, by the time of the early thirties, did not have work, but as I say, it was the beginning of the Depression. As I went to the various counties to find out their problems as to whether there should be changes in the statute, they were most concerned that the private charities were losing their ability to take care of the new indigent unemployed. They tried to make a distinction between an indigent, who was regarded as somewhat disabled, ill, or perhaps unable to work because of old age, and the so-called able-bodied. They preferred to avoid the term indigent as applied to the able-bodied. There was a provision in our statute that the county could require work-relief[1], a somewhat new concept in the administration of relief. So at the very time that the new indigent act was being passed, there was a grave concern on the part of a number of counties that they wouldn't be able to discharge all of their obligations. More people were applying, the private charities were having difficulty in meeting their needs, I think that San Francisco was the last city of its size to apply for public assistance from the federal and state governments because their Associated Charities were able to carry on for a longer period than most of the charities of the other communities in the state.

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[1]Work relief was defined as assistance to destitute persons by requiring labor as a condition for relief.

Hicke: Were there funding provisions that went along with that?

Heilbron: Well, there were no funding provisions outside of the county. The counties had the burden of trying to meet the needs of the new and able-bodied unemployed, and people who were coming to California in search of work, leaving other areas of economic difficulty and becoming transients. The counties were most concerned.

Emergency Relief for Unemployed Residents

Heilbron: I think it was in September of 1932, Congress authorized one section of the Reconstruction Finance Corporation to give relief aid to states, counties, and municipalities on application by the state, and the governor of California and the attorney general were looking into this matter as I was completing my work with reference to the study I've described. It was quite obvious that certain counties were hoping that the emergency relief authority that they wanted would be financed by state or federal funding, and this new RFC authority... I think there was $300 million authorized for loans throughout the country. An RFC representative by the name of A. W. MacMillen made a quick survey in late December of 1932 and indicated to the governor that the state might be eligible to apply for a loan on behalf of certain of its counties. The Department of Social Welfare had some general information about the expenditures for the various aid programs of the state: aged aid, blind aid, children's aid, probationary matters, and county welfare assistance, so we had the beginnings of information with reference to the various counties.

Suddenly, in December, I was asked to receive affidavits from the counties that were hard pressed in order to determine if the governor should apply to the RFC for assistance. The governor issued a--it was Governor Rolph, James Rolph--sent a letter to all of the counties of the state advising that the RFC had a fund available, that he did not want to apply for an RFC loan for these purposes unless it was absolutely, demonstrably necessary for a county, but that he would consider application for the benefit of a county if it could demonstrate need.

In the Department of Social Welfare, I soon became kind of a target for district attorneys on behalf of their boards of supervisors bringing in information or asking their social welfare departments for information showing this need. I recall that Los Angeles and Imperial counties were most active. By

January of 1933, it appeared that there were seven counties that might qualify for assistance, most of them in the southern part of California. The governor had indicated that the Department of Social Welfare would be the agency to allocate and supervise expenditures if it was granted.

The RFC had a peculiar kind of lending system: that is, the state was obligated to repay the monies loaned only by a future withholding by the federal government of highway funds that otherwise might be granted to the state--federal highway funds that might otherwise be granted to the state for construction. Obviously, all you had to do was increase the amount that would be given to the state and then make a deduction. It's much like some sales that occur where you raise the price and then reduce the price to a lower level so you really haven't lost very much.

Hicke: Was it up to the state to apply for this amount?

Heilbron: They would apply for this amount and, theoretically, a tough future administration would actually penalize the borrower state by making a realistic deduction, but it never occurred--to my knowledge it never occurred.

A representative of the State Department of Finance by the name of Jamison and I were selected to go to Washington to--

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Heilbron: --discuss the needs of the seven counties that, thus far, had been shown to be the most needy. The department felt that a law researcher was not an impressive enough title and promoted me to Secretary of the Social Welfare Commission, and that meant that I was going to get the grand sum of $225 a month.

Hicke: That was not all that bad at that time.

Heilbron: The indigent assistance program offered an opportunity for me that was unexpected.

Hicke: I've heard of lawyers in that day and age who worked for nothing just to get experience.

Heilbron: Well, this was to negotiate the terms of the loan rather than being strictly a legal matter. We went--of course, this is by train--and we were well received in Washington.

Hicke: How long was the trip?

Heilbron: Five days.

Hicke: From California to Washington?

Heilbron: Yes, and then five days on return. A man by the name of Croxton was in charge of this division of the RFC, and the Washington office explained that we would have to obtain detailed supporting data to justify any particular loan, because the loan, while it was made to the state and would be under the Department of Social Welfare, the RFC had to approve the allocation to each county. So we returned with a tentative agreement for the benefit of these counties, but it had to be supported before any monies were sent out.

Then began a hectic effort to obtain compliance by the counties, which had to show, for the year passed, what local governmental funds had been expended for indigent assistance, what the private contributions were, whether any state governmental funds were used, whether there was any funding from national agencies such as Red Cross, and any other source. The point was that any emergency relief monies had to be shown to be entirely extra to ordinary county expenditures, ordinary county expectations, and if there was a fall-off in private funds, you had to show what the fall-off amounted to.

Hicke: Oh great. So for each of these counties you had to compile this information?

Heilbron: Mr. MacMillen actually drew an application form that was used for a number of years.

Hicke: Is that this form that you just handed me?

Heilbron: Yes.

Hicke: Can I make a copy of this?

Heilbron: I'll give you a copy of this.

Hicke: Oh wonderful. Thank you. So this was sent out to each county in the state, or just to those seven that you wanted--

Heilbron: Well, to those counties and to any further ones that would apply, because it was expected that other counties would soon apply as well as the first seven.

Hicke: This looks like it had to be filled out for each month. Is that right?

Heilbron: Yes. The estimates for each month of need. The original group of applications began flowing in and also applications from

other counties. Within another month, we were asked by the RFC to bring the applications and additional data for review in Washington, and I was asked to do the work and the negotiation for the total amount of the loan.

So since I was going to be traveling, and it was close to the time of inauguration, the governor gave me and my wife the honor of representing the state of California at inauguration events, in addition to the job of obtaining RFC funds. We arrived in Washington at the end of February, and I was on the phone with Jamison from the Department of Finance and with representatives of the various counties to clarify figures and to obtain additional figures that were required by the RFC. I must have been on the phone several hours a day. And this proved to be necessary, because of the number of additional counties that wanted to be considered for further loans. The original group would be authorized to receive monies through January and February, because we had presented their general case before, and the new group was destined for April and May, and even later, so we applied for additional months of the year.

I finalized the loan agreement on March 4 [1933] in the middle of the morning and I picked up my wife in the hope of getting to the inauguration, but the traffic was so heavy that we were stuck, and we had to listen to the inauguration over the radio.

Hicke: This was President [Franklin D.] Roosevelt?

Heilbron: This was President Roosevelt's inauguration. But we attended some other of the events, and so it was a rather thrilling period and privilege.

Hicke: So this was 1933.

Heilbron: This was 1933. Some question of adequate supervision by the state was raised by the RFC, and the suggestion was made that I go to New York and talk to Harry Hopkins, who was the chair of the New York Relief Commission and who many expected would be part of the new administration, particularly in the social welfare field. I did this and was somewhat disturbed by Mr. Hopkins' advice that an existing Department of Social Welfare should not be the administrative agency for the emergency relief program, but a completely new and separate agency be created because of the difference in the emphasis in the kind of aid that should be given to able-bodied unemployed.

COUNTY OF _____, CALIFORNIA

TABLE 1. Estimated total amount needed for direct relief and work* relief (including cost of administration) from all sources for April, 1933:

Month	TOTAL AMOUNT NEEDED for Direct Relief and Work Relief
April	

TABLE 2. Estimated amounts available or which can be made available for direct relief and work relief during April, 1933:

AMOUNTS THAT CAN BE MADE AVAILABLE FROM:	APRIL
1. Local Governmental Funds 2. Private Contributions 3. State Governmental Funds 4. National Agencies (Value in dollars of Red Cross Flour, cotton goods, etc.) 5. Any other source (specify) _____ _____ _____	
TOTAL	

*Work relief is defined to mean assistance to destitute persons by requiring labor of a worth-while character as a condition for relief.

NOTE: Table 1 sets forth total need for the period; Table 2 sets forth the amounts locally available to meet this need. The county's application, therefore, is presumably the amount of the difference between the totals of Table 1 and Table 2.

3/33 8 50

TABLE 3. Expenditures for direct relief and work relief (including cost of administration) during each calendar month of 1932, and January February and March of 1933:

MONTH 1932	From local Governmental Funds (1)	From Private Contributions (2)	From State Governmental Funds (3)	From National Agencies (4)	From any other source (5)	TOTALS (6)
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
TOTALS						
1933						
January						
February						
March						

TABLE 4. Number of families and number of non-family persons receiving relief during each calendar month of the period from January, 1932 to March, 1933, inclusive; and the estimated number in need of relief during April, 1933:

MONTH	NUMBER RECEIVING RELIEF		
	Families (1)	Non-family Persons (2)	Transients (3)
January, 1932			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
January 1933			
February			
March			
Estimated Number for April, 1933			
April, 1933			

TABLE 5. Total amount expended for relief (including cost of administration) during the calendar year 1931:

SOURCE	AMOUNT
1. From local Governmental Funds	
2. From Private Contributions	
3. From State Governmental Funds	
4. From National agencies (value in dollars Red Cross flour, etc.)	
5. From any other source (specify)	
_____	
_____	
6. TOTAL	

[Interview 4: January 3, 1992] ##

Hicke: Well, I guess we just want to start this time with coming back from New York?

Heilbron: Yes, I came back to Sacramento and, almost immediately, a big conference was called with respect to the relief problem, to be held in the governor's office. Through his secretary, I assume, he had called all of the cabinet officers and state officials who would be interested in various aspects of the relief problem, for example, the state controller, the director of finance, and, I believe, the director of agriculture, and he also called for a number of community leaders.

Hicke: This was Rolph?

Heilbron: This was Governor Rolph. I was there, of course, and later, Wayne MacMillen flew in from Washington and participated in the discussions. I had obtained a commitment for some seven million dollars, but it was understood that the entire state would be involved--its various counties and cities--before very long, and that a much larger amount of money would be applied for by the state for the benefit of its political subdivisions. So the importance of the matter was quite clear.

Hicke: This was for some specific counties--the first part?

Heilbron: That's right. There were specific counties--seven counties--but there are fifty-eight counties in California, and most of them had given an indication that they were running out of monies for relief and that they wanted to participate in the program.

Governor Rolph had been mayor of San Francisco from 1912, I believe.

Hicke: "Sunny Jim."

Heilbron: "Sunny Jim" was a colorful mayor, and he was good for San Francisco. Particularly at the time of the 1915 exposition, he cut quite a figure.

Hicke: But he also was responsible for at least improving the transportation system, and building the Opera House, and a lot of things like that.

Heilbron: He did many fine things and was supported by the chief citizenry of San Francisco, but he did not have much of an idea of the governorship, and on hearing of these relief funds, he got on the telephone and from his office, while the discussion was

going on, called most of his friends from San Francisco to ask them what he should do with respect to these monies which he anticipated coming in from the federal government.

Hicke: Are these friends in the way of cronies, would you say?

Heilbron: No, they were substantial citizens who had helped him as mayor, and there really were two big conversations going on--one by him over the phone and the other by the rest of us who were to determine what actually was to be achieved.

Hicke: Oh, that's a great picture.

Heilbron: Finally, Judge Isadore Golden, who was his personal attorney and who talked to me about the recommendations of the federal government, got the governor's attention, and said, "Now, Governor, would you just pay attention for a few moments? Because your representative who has been to Washington can outline what they might expect of the state," and the governor said, "Who?" [laughter]

Hicke: There you were.

Heilbron: There I was, and the matter was clarified by his secretary--"Don't you remember..."--that kind of thing, and so the governor listened to the fact that both the RFC representing the carry-over agency, and the new group that was expected to come in with Mr. Hopkins as the chief, namely through the creation of the Federal Emergency Relief Administration, believed that unemployment relief was a special category of aid and should have its own specific administration. That would mean that the Department of Social Welfare, that had accumulated the data and had reviewed the original application requests, would, at some point in the near future, transfer this commitment of administration to the new agency. The question was who should run such an operation?

Hicke: For the state?

Heilbron: For the state. A state emergency relief administration had to be created, and Judge Golden and I went to the back of the room, as I indicated, and I drafted a sketch of a statute that seemed to comply with the federal requirements. Nevertheless, it did boil down to a question of what person should be truly responsible for the initiation and organization, and ultimately administration, of these funds. Temporarily, the Department of Social Welfare would continue, and I might say that the women social workers of the department did a tremendous job, outside of their ordinary work, in obtaining the data necessary for

achieving the first grants made to the state. People borrowed from the adoption service, from the aid to the aged, from aid to the blind, from the probation department, all of these people pitched in on an emergency basis to gather the data and enable the state, through the governor, to apply for the necessary funds.

Well, about the new man. The governor turned to Mr. MacMillen, who was the field representative of the RFC, and asked if he were interested in the job, and MacMillen politely said that he wasn't, that he would probably not continue with the new administration, but intended to return to his professorship at the University of Chicago. And then the name of R. C. Branion was brought up. Mr. Branion was the director of emergency relief in Santa Barbara County, and I had met him in the course of gathering the initial material for the initial applications, and he struck me as being an excellent candidate. Mr. MacMillen approved him, but perhaps most in his favor was the fact that he had worked with Mr. Hopkins at an earlier time --I think it was with the state of Louisiana, I'm not positive about that. Branion had come out to Santa Barbara to retire--his health was not the best--but when the emergency occurred in the relief field, he was called upon to serve and had been doing quite a respectable job.

So, Governor Rolph said, "Well, if that's the best man, I'll call him!"

Hicke: Right there on the spot?

Heilbron: Right on the spot. So he called. Put in a call, got R. C. Branion on the phone and said, "Hello? This is Governor Rolph." And Branion, who, of course, had no idea that anything like this was coming up, said, "So's your old man!"

But Governor Rolph convinced him that it was indeed the governor, and would he come up on the Southern Pacific *Lark* to discuss the relief problem for the state? Of course, Branion consented and came up, and, in due course, an appointment was made--I believe first as a special assistant in the governor's office, because there had been no legislation. I do not remember the starting date because there was this intervening period where the Department of Social Welfare had to continue to supervise the expenditure of funds.

Hicke: Are you going to tell me what happened to this draft of the legislation?

Heilbron: Yes, ultimately it was enacted, and an emergency relief administrator was created, and that position was occupied by Mr. Branion.

Hicke: I hope you're going to tell me that you wrote it on the back of an envelope or something equally interesting.

Heilbron: No, no. I drafted a statute, and it had to go through the legislative counsel, but there was quite a story in connection with this legislation.

You may recall, when I said that under the Reconstruction Finance Corporation Act, the State of California was to borrow money from the federal government to be repaid by withholding, at some later year or years, amounts equal to the borrowings from the Federal Highway Appropriation Acts of those future years, so that the State of California as a whole was obligated for the benefits that were being derived by the counties, although, obviously, the counties were political subdivisions of the state. When the legislation creating the Emergency Relief Administration was proposed, the bulk of the initial monies was to go to southern California. The San Francisco legislators were a little skeptical of the whole state borrowing for the benefit of their southern neighbors, and particularly at the time, the San Francisco legislative group were in control of the legislature--this is 1933--although not much later, the political control of the state was transferred to the south because of the population growth and so on. So the San Francisco people put up a question and a barrier. Well, at the same time, the San Francisco delegation wanted something for San Francisco, namely, the San Francisco-Oakland bridge required an appropriation to build the ramps and also to finance any necessary condemnation necessary to obtain the property on which the ramps would be built.

Hicke: Was Mr. [Florence] McAuliffe involved here?

Heilbron: No, not Mr. McAuliffe, but actually, in a way, Mr. [Lloyd] Dinkelspiel. Mr. Dinkelspiel was in Sacramento, representing the California Toll Bridge Authority that wanted those ramps very much. I was sitting in the gallery, hoping that the relief program would go through. So, on the basis of the exchange of the ramps for the state obligation for southern California, the bill sailed through. I don't recall too many references to the hungry or to the unemployed or to anything else. The political deal was made and the Emergency Relief Administration was established.

After the legislative session, we went back to work. A large number of additional counties had to be checked for the validity of their claims, and--

Hicke: Did that involve your going to visit the offices?

Heilbron: Actually, they came up to see the department, and I attended a conference, I believe in southern California, when the representatives of the various counties came to request aid and file their applications.

One of the areas that the federal government was most interested in was work relief, particularly when Hopkins got into the picture as the head of the Federal Emergency Relief Administration.

Hicke: When you say work relief, do you mean working in--

Heilbron: Working as a condition for relief. This was a new kind of welfare applicant. These are able-bodied people who were thrown out of jobs and who were capable of work. The entire effort was to preserve the dignity of the individual, and that was to be supported by work. Now some of the counties in California had already small work relief programs. The problem was to prevent the political subdivisions from utilizing relief to replace deficiencies in their ordinary budgets. In other words, if they could get the Police Department running on relief funds, they could save local funds, or the Fire Department, or anything of the kind. One of the strict regulations of the new operations by the Emergency Relief Administration was that the funds must not be used to replace the normal operations of government, but it must be extra in the way of public works--supplementary.

Hicke: Because that would then throw the regular firemen out of work?

Heilbron: Exactly, and furthermore it would be a subsidy to local government, which was not the intention. The intention had to be special work projects, deferred projects of the county that would otherwise not be undertaken if it weren't for the availability of the unemployed. On the other hand, it was also a clear policy of both the federal and the state governments that work that was made work--that was superficial and relatively nonproductive such as carrying bricks from one side of the road and returning the bricks to the other side of the road--that would not count as a work relief project. Actually, the federal government gave that as an example in one state as having occurred. Much later on, you may remember, the federal Works Project Administration, WPA, which replaced relief programs to some substantial extent, was accused of having leaf-

raking projects that were an excuse for work and did not really constitute work.

Well, there was no doubt about what the policy was and rather strenuous efforts were made to prevent the misuse of funds in that direction. However, there were undoubtedly some, let's say, miscarriages of policy. When the new mayor in Los Angeles was elected later on, after the WPA became established, Will Rogers, I believe, presided, and his opening remarks were, "Well, Mr. Mayor, here we all are, by the grace of God and the WPA." [The inference was that WPA workers had done campaign service.]

Hicke: Can I interrupt you again? I'm interested in the concept of preserving dignity. Was this again something new? The idea, you said, partly, of the work relief was to preserve the dignity of the people involved.

Heilbron: I did not use the word dignity in the 1933 statute, but there is a provision which states: "Work relief shall be created for the purpose of keeping the indigent from idleness and assisting in his rehabilitation and the preservation of his self-respect." That last phrase certainly relates to the maintenance of dignity. That was purposeful. It was recognized that people were on the streets who had never been before, or thrown out of work on the farms on a scale not before known, and so work was quite important, and it is going to be repeated as a theme in some of these remarks that I'll make.

Hicke: And then, also, were women differentiated in any way? Was this equally applicable to men and women?

Heilbron: Yes, women were treated equally with men as far as relief needs were concerned. Of course, in those days, a lot of the aid to women wasn't family aid. The family aid was relief for the husband as the working member of the family, so that the amount of benefits conferred was dependent upon the size of the family. So some person might receive two days of work, some person three, four, or five days of work, depending on the size of the family; in that way the woman was included. But when the woman was a single woman, for example, there were some problems. We had established in California law that the residence of the husband was the residence of the wife. In the case where the husband was in Texas and the separated woman was in California and she applied for assistance as a resident, she was not extended that assistance because her residence was properly Texas. One of the social workers said, "Cannot we get assistance to pay for her divorce costs?", and I had to rule no,

that was not permitted, but she could receive aid as a nonresident. So at least that problem was overcome.

Hicke: So there were certain provisions for nonresidents separately?

Heilbron: You may recall that the consensus among the welfare directors and district attorneys in the state--district attorneys were involved because they had to enforce relatives' responsibility, so that the person would not go on relief--the consensus was a three-year state residence and a one-year county residence. There was, in the statute, a provision that the county may extend relief to nonresidents. Now, the federal government's requirement for residence was only one year, and therefore, when the counties received the relief benefits, they applied a one-year and not the three-year provision. So the nonresidents came in, really, most of them, as transients. That is, as transients not fulfilling the one-year provision.

[tape interruption]

Aid to Transients

Heilbron: Regarding transients, there is a rather interesting little story. In a few months--let's see, we were holding this governor's meeting in March. Not long afterwards, the Emergency Relief Administration began, and I was transferred from the Department of Social Welfare to Mr. Branion's office and became one of his two assistants. For a period of time, I dealt with work relief questions and was asked to do something about making an application that would finance the support of transients, because the counties in some parts of the state had been establishing transient camps, but their numbers were swelling and they didn't have the money to maintain them. The question was, were these camps well operated, were people actually entitled to relief in these camps, or were they simply using them to their own advantage as they traveled up and down the state?

Hicke: Were these the so-called Hoover towns?

Heilbron: No, the Hoover towns were more made up of families who were semipermanently established in tin-roofed shacks on the outskirts of cities. These transient camps were in the country, for the most part, and the unemployed rural farm workers and people from the cities--

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Heilbron: --went to them for sustenance and shelter, but how genuine were they? Well, I contacted Boalt Hall and asked to obtain six young law school students whom the dean was prepared to recommend as observant and imaginative and willing to take the risk of some adventure. I got the group together and told them that the idea was to have them go to these transient camps and, not do it statistically, but to mingle and get an idea of the kind of people who were there--was it a genuine operation? The statistics would come later, but what was their evaluation? But they had to live the life of a transient, too. They were given a dime to phone in case of an emergency and otherwise they were on their own. [laughter]

So they did go to various camps--there were six of them--and they came in with their reports. One of them was Mel [Melvin] Belli, and I will say that his was the best report. Indeed, he wanted to publish it, and I had some problem with respect to that, but it was not published. In a way, these reports were attached to an application made to Washington--if not physically attached, they were summarized--and Washington was convinced sufficiently to make a million dollars available, so that a further, extensive study would be made of the camps and the support and extension and operation of them.

This project was achieved in due course, and an extensive transient camp system was developed for the state of California for the relief of both single people and families. The camps for families, and even for the singles--and these were mostly single men--posed a problem for the federal government. As you know, California agriculture depends on migratory workers--seasonal workers who move from region to region after the crops are harvested. When the camps were established, some of these families thought they preferred to stay in the camps rather than move on to work in the next county or region. The state Emergency Relief Administration asked for extended support to cover these migratory workers, the idea of the division chief being that perhaps they could be induced to settle permanently and stop this migratory life. But the federal government took the position that the migratory workers were an agricultural/industrial problem for the state of California and its counties and would not be subsidized by the federal government. Only people who were truly in a transient status outside of the migratory worker situation would be eligible.

Hicke: Were you involved in that?

Heilbron: I was involved in it because I prepared most of the applications that went forward to Washington. I think that Washington missed out on this issue, although it's a difficult one, I appreciate, to administer. There were bitter feelings involved in the situation.

Hicke: On the part of the officials?

Heilbron: Well, yes, on the part of officials in adjoining counties. In one situation, at the end of the harvest season, the county was offering money to the migratory workers to leave their county--the harvest having been completed--and go to the next county. The next county said, "If you send them here, we'll meet them with shotguns." That's how bitter it was. I say that Washington did not see one point, and that is, they were probably correct in not wishing to subsidize the migratory agricultural worker system in the state of California--the ordinary, normal operations of harvesting the crops. But the family transient problem was brought on not by the usual migratory workers but by the great numbers who were coming to California from the Dust Bowl, who did not represent the usual migratory workers but an excess. And that excess, or surplus, was indeed a transient problem--indeed a federal problem. However, we did not succeed, as far as I recall, in obtaining a modification of the federal rules.

The transient program was directed by an old-time social worker by the name of H. R. Carleton. I believe that he ultimately wound up, at the end of World War II, with UNRRA [United Nations Relief and Rehabilitation Administration] in Greece.

Hicke: How was it determined that these were people from Oklahoma and various other states rather than just the normal migratory farm workers? Did the law students determine that?

Heilbron: The area of their reporting was pretty much up to them. Did these people seem to be in need, and what were their stories, where did they come from? Yes, that's true--where did they come from and did they like it here? Did they want to remain? Did they really want to work? How would they evaluate the people who were in the camp? Now naturally this was anything but a scholarly project, but, let's put it this way: it was kind of a journalistic project.

Hicke: And had certainly a lot of sociological content.

Heilbron: And bright young men would be able to make fairly good judgments. At least it was recognized that there was a problem that had to be addressed, and that started it.

I think I mentioned work relief. I could make a reasonable evaluation of projects that appeared to be outside of the normal operations of a county, but I was not competent to evaluate the projects on the basis of their engineering value, and the costs, and requested that a work relief department be created to take care of the technicalities that were necessarily involved in a wide-ranging program.

Hicke: Was reporting required as to the value of the projects that were undertaken?

Heilbron: Yes, the federal government got the report on the projects, but the state was given the authority and the duty to evaluate the projects before approving them for work relief status. In fairly quick time--and I'm referring to the year 1933 itself--decentralized offices of the Emergency Relief Administration were established in Los Angeles and in other areas, including San Francisco. San Francisco was among the last to come in for relief. It had been very proud that the Associated Charities were able to carry the new relief load for a number of years into the Depression, but then the county welfare department took over the relief program, and, as of July 1st of '33, San Francisco put in its application for funds so that before the end of 1933, the state was pretty well covered.

The program that had started with seven million dollars for seven counties for two months developed into a fourteen- or fifteen-million-dollars-a-month request to the federal government during '34. Then California was required to come into the financing of a State Emergency Relief Administration in a much larger way than it originally contributed. I think that the original contribution was to establish the Emergency Relief Administration with $200,000 a year beginning on July first of '33--there may have been an interim appropriation--but a large fund act was passed in 1935 with $24 million of state contribution to the relief program. And by that time, the WPA had been established too, so that between the WPA and the state finance program, the California unemployment situation was reasonably well taken care of.

As I said, there were certain categories that were caught in between and had to be taken care of by the counties if they chose to do it. The Joad family [depicted in *The Grapes of Wrath*] was the kind of family that was caught in these legal

circumstances which gave good cause for the John Steinbeck novel and for many of Paul Taylor's observations.

Hicke: But are you saying that it wasn't necessarily true, or maybe even typical of everyone who came to California? That many of them were taken care of?

Heilbron: My recollection is that the one sanitary, decent camp the Joads stayed in during their otherwise bitter California experience was in a government camp, self-governed by mostly out-of-state migrants. There were too few of such facilities in the state and often opposed by farming interests as supporting leftists and "reds"--promoting fancy ideas of what living conditions farm migrants should be entitled to expect.

Hicke: How did it compare with other states? Both the problem and the solution.

Heilbron: Unemployment relief, when given, was usually higher than in most states, but due to the somewhat ambiguous policy on migrants, out-of-state migrants were competing for agricultural jobs at low, sub-standard rates. I am referring to the mid-thirties particularly after the Okie "invasion" and after the federal transient program was well underway.

Hicke: How did Mr. Branion do?

Heilbron: Mr. Branion, after not much more than a year and a half of service, was suspected by the political forces of William McAdoo of having ambitions to run either for the Senate or for the governorship--I think it was the Senate--and charges were brought against him for misappropriation of federal funds. I don't know whether it was for wrongful use in work projects or some accusation for political purposes, but these were trumped up charges; all of us who had worked with him contributed to his defense fund, and the charges were ultimately dismissed. There never was a trial, but Branion left the position.

Hicke: It served to discredit him somewhat, probably.

Heilbron: Well, he wound up by being General [Dwight D.] Eisenhower's deputy for welfare programs overseas, with a simulated rank of general, so he recovered his status, and he was a well-received consultant during the interim after he left. But it was a very unfair charge. And then he was succeeded by around nine to ten other administrators, one way or another.

Hicke: One after the other?

Heilbron: True, they didn't last very long. A person by the name of Vernon Northrop--he had a financial background--administered aid for a while; Frank Y. McLaughlin was perhaps the most prestigious of the successor administrators. He headed both the Emergency Relief Administration and then the regional office of the WPA in California--certainly for northern California.

Hicke: Both at the same time?

Heilbron: I think that he gave up, after a while, his work as Emergency Relief administrator and concentrated on his WPA responsibility.

Of course, by 1934, I had joined Heller, Ehrman, White, & McAuliffe. I was offered the position in September of 1933 for commencement in January of the following year. I had had some heady experiences in government and had to make a career choice, and I realized that, salary cut and all, it was the right thing to do to begin practicing the law, and maybe to start in with a few single probate proceedings rather than filing applications for millions of dollars of aid and so on.

Hicke: Why did you decide that?

Heilbron: The circumstances and more detailed reasons I'll relate later when we take up my life career with Heller Ehrman.

One further aspect of the work relief program: the other assistant to Mr. Branion, Aleta Brownlee, and I received a wire calling for an immediate reply while Mr. Branion was away from the central office. It was an order from Mr. Hopkins to place all California able-bodied relief personnel on work relief within thirty days. Miss Brownlee and I knew that this was an impossibility. We did confer with several of the project administrators in the state before answering, but we did answer to the effect that we could not accomplish this directive within the time required and pointed out that if we did attempt to do so, the result would be projects in violation of the federal policy that the projects had to be worthwhile, substantial projects. This was, perhaps, an unusual reply for Mr. Hopkins, who used only to receive affirmative answers to his requests, but he accepted it, and I think that we took up to ninety days to fulfill the requirement.

Hicke: You think he sent that out to all of the states?

Heilbron: Oh yes. It wasn't only in California. And I don't know how the others answered, but I do know what we did.

Self-Help Cooperatives

Heilbron: There were two other areas of considerable interest in the relief program: one had to do with self-help cooperatives. These were unemployed people who got together to produce for themselves--

Hicke: They organized themselves?

Heilbron: --organized themselves. There were quite a few in California, even in the early part of the Depression. The federal government wanted to encourage the program, and, under one of the sections of the Federal Relief Act, were authorized to do so. The cooperative program was under the direction of Winslow Carlton, who was the son of the owner of the Postal Telegraph Company. I don't know whether he was a dollar-a-year man or not, but he was a fine young man and thoroughly dedicated to the program. The self-help cooperators were to produce for themselves, for example on a farm or cutting lumber or publishing, or whatever, and they would benefit by producing for themselves--let's say, take a farm, for example--and then trading the surplus with other cooperatives.

Hicke: Barter?

Heilbron: It was mainly a barter system. It was not outside of that system except for crafts and some sales to the state; they could sell craft work, because that was regarded as generally noncompetitive with industry. The federal people thought that maybe it could become a permanent part of the economy. There was one large cooperative in the Alameda County area that had a lumber project and a ranch and a publication division and was rather successful. I don't know how many families were self-sustaining in this fashion. In the early part of the cooperative movement, they claimed 24,000 families were assisted in Los Angeles alone in this way.

Hicke: Were assisted by whom?

Heilbron: Well, in the beginning, they got donations, let's say of fuel from industrial companies, but then their operations got to be so substantial, and the costs of lending them equipment or donating equipment got so substantial that unless the government came in to subsidize their projects, they would not be able to continue.

Hicke: So they weren't exactly self-sustaining?

Heilbron: Not entirely. They got the equipment--the initial subsidy of equipment--yes, that's true, from the government, mainly through federal funds channeled through the state, but once started, they were self-sustaining. Well, they got credits for so much work for the cooperative. If you worked two days, you got so many credits, and you cashed them in for your food or whatever the benefits were. If you worked three days or four days, you got more credits. Some of these families actually continued to be on relief but reduced the amount of relief that they required by reason of their work in the cooperatives.

Hicke: So this was part of the work relief credit, is that what we're talking about?

Heilbron: Well, it wasn't work relief. Work relief was on a public project. These were privately produced goods, for themselves; for exchange with other cooperatives.

Hicke: But what kind of credits did they get?

Heilbron: The credits were within themselves. They earned so many credits, and if you had two hundred credits, you could turn them in for the ration coupons for whatever the cooperative had to offer. There's a large, formalized cooperative movement in California, of course, on a very large scale these days, but this kind of individual and family membership cooperative, which I think the federal government thought would become a permanent part of the economy, did not continue that way, because when we recovered economically, particularly when we got into wartime industry, the unemployment problem was more than resolved, and people came from all over the United States to the shipyards and defense installations, and it was an entirely different story.

Rural Rehabilitation Program

Heilbron: So during the years succeeding '33, when I was a consultant, I continued with the work on applications to the federal government and advice on work relief questions and on cooperative questions, and also organized, under the authority of the federal and state governments, the Rural Rehabilitation Corporation. This corporation was formed with the idea of making loans to needy agricultural people. The state relief administration or some state agency would buy their crops and in that way take them off of the relief status. To some extent, this was successful.

Hicke: And then what did they do with the crops?

Heilbron: The crops were sold in large part to the state. They could be distributed as surplus foods to other people on relief, in kind. There were county welfare departments that were dealing with disabled indigents. Additionally they had limited rights to sell, such as to public agencies, but the state would take a mortgage on their crops, and then they would repay out of the cash sales that were made.

Hicke: And how was this funded?

Heilbron: This was funded mainly by federal money. I know that I drafted the various forms of instruments connected with the loan papers and the chattel mortgages and the leases and so on, but I did not participate in the administration, so I don't know quite how effective it all was. So much depended on the ability and integrity of the individuals involved that I always wondered about how successful this would be in the long run.

Hicke: How was the information gotten to people who needed these services? How would they find out about them? Through the county?

Heilbron: There were emergency relief offices in almost every county.

Hicke: An open office that was staffed all the time?

Heilbron: There were tremendous staffs--in Los Angeles, for example, in all of the major county seats, and relief was a newspaper item of considerable importance. The development even of a cooperative was newsworthy. The fact that there was such a thing as the Rural Rehabilitation Corporation, when it was authorized in a bill passed by the legislature, also struck the media. And an Emergency Relief Commission was formed at an early stage to control policies on relief expenditures. In other words, the Emergency Relief director was guided by an Emergency Relief Commission.

Hicke: State agency?

Heilbron: State agency. I'm not talking solely about the Rural Rehabilitation Corporation--that had its own board of directors that consisted mostly of state personnel--but I'm talking about a citizen commission that controlled all of the emergency relief expenditures in the state, and there were some very good people on that commission.

Archbishop Hanna of the diocese in San Francisco was the first chairman, and when matters became heated and the discussion was almost ready to get out of hand, he would recess the meeting, count his beads, people became calm, and the meeting went on. Then there was Dwight Murphy from Santa Barbara who was a good chairman. Melvin Douglas, the actor, was a very intelligent and compassionate man. Some other names will come to me as we go on, but the commission was a politically disinterested one, whether they came from the Democratic or Republican side.

I might say their meetings were also forums of protest. The unemployed were not all simply meekly taking their benefits. Many felt that they weren't receiving enough; that the family budgets were too low. There was a good amount of leftist sentiments, too, in back of some of the protests--not all of them, but some of them. I think the Workers' Alliance was the name of one of the organizations, and they made efforts to increase appropriations just like any other group wants its interests advanced. So some of these meetings during the thirties were quite lively.

Hicke: Did you attend the commission meetings?

Heilbron: I attended them, yes. That was one of my duties.

Hicke: Did you take an active part?

Heilbron: No, I answered when my advice was called for. I remember in one case, the chairman was from San Diego--I can't remember his name right now--and he had a certain agenda in mind, which I didn't know about, and an answer appeared to be quite obvious to me on an issue that was being discussed, and I volunteered it. He didn't say anything until after the meeting, and after the meeting he told me that he appreciated my counsel, but he wanted to ask for it before it was given. [laughter]

Hicke: The meetings were here in San Francisco?

Heilbron: No, they were all over the state. I remember meetings in Monterey, in Los Angeles, in San Francisco, and in other cities.

There was a Robert G. Hooker, who was also a commissioner, a very socially minded man of considerable means. Mrs. Treadwell, who ultimately took over the administration of the Federal Youth program in the state. These were rather capable people, but they were selected, I guess, the way the Associated Charities would have selected their own board: they came from the well-to-do, well-meaning part of society who felt it to be

both an honor and a duty to be part of the program, but not so much representative of people who had closer ties to the people whose needs were to be attended to.

May I continue with respect to the relief programs during the thirties. The relief administrators appointed pursuant to the 1935 Bond Act superseded the emergency relief administrator and succeeded to all of his powers. One of the notable administrators was Charles Schottland, whom I had appointed in one of the welfare relief programs in 1933. He became the relief administrator, subsequently the head of the State Department of Social Welfare. During the war, he was the Director for General Eisenhower of the Displaced Persons Program for Europe. Harold Pomeroy was another administrator who had an interesting history. And Charles Wollenberg, director of the San Francisco Welfare Department, became the Director of the Department of Social Welfare.

Ideas changed as the economic conditions in the state changed. It was all unemployment relief, certainly through 1938, probably part of 1939. I remember that we had an appropriation in 1938. It was $48 million and Governor [Frank] Merriam deleted a restriction on the use of well over $7 million, intending all of the appropriation for general use. The state controller contended that the removal of the restriction resulted in a decrease of the general appropriation to the extent of the money subject to the restriction. I brought an action in the Supreme Court of California to nullify the controller's action and uphold the governor's and the total $48 million. The court decided in our favor. I might say that I had the benefit of a precedent that had been established by another case, and so it was a welcome victory, but not a great one.

Hicke: Well, line-item veto is permitted under California's system.

Heilbron: In this particular case, it was not a veto but a holding to support the governor's authority to maintain the appropriation. However, he seems to have vetoed the restriction.

Consultant to Department of Social Welfare

Heilbron: Subsequently, toward 1940 when the relief administration ceased to operate and its remaining functions were taken over by the Department of Social Welfare again, I continued to advise the department on different subjects.

Hicke: So you moved back to the Department of Social--

Heilbron: I didn't move back in the same area, because I was a consultant to them particularly on matters that related to general welfare law.

Naturally, throughout all of this period--throughout the thirties--I had very close relationships with the Attorney General's Office. Of course, any litigation was still the province of the Attorney General's Office. Occasionally we had to have our position bolstered by an opinion from the attorney general, so I had a very good relationship with that office.

Hicke: That was Earl Warren?

Heilbron: Oh, there were various attorneys general. No, not during this period. But now that you mention Earl Warren, I do recall in the very earliest part of my work as an assistant administrator during 1933, Earl Warren, representing the county of Alameda, brought its application to our attention, and I was the person designated to receive it. Even at that early date, Warren was a well-known figure as district attorney of Alameda County, and I felt it a little bit embarrassing as a young man of around twenty-six receiving the application--it was an application, not a supplication, I can assure you--from Earl Warren [laughter], but he treated me as though I were a judge and he was pleading his case. I always remembered that. It was many, many years later that I brought my children to see Earl Warren, and I'll tell you the story at the appropriate time.

With reference to the kinds of work for the Department of Social Welfare, it was in the adoption field, it was in connection with the licensing of life-care institutions, protecting individuals who had purchased life-care contracts from fraudulent or negligent institutions, and the remaining phases of relief. But as the defense industries grew in California and as recovery was taking place, the relief requirements greatly diminished.

Hicke: How many hours a week would you spend in the Department of Social Welfare?

Heilbron: Well, not too many. It was not like the relief program days. In connection with the emergency relief program, it moved back from Sacramento to San Francisco, so I could be in close contact with problems very easily. The offices were at 49 4th Street. The Department of Social Welfare was located in Sacramento. It was more a question of correspondence. I did not attend all of the meetings of the Department of Social Welfare Commission; I

would only if an issue involving me was raised. By 1941, I recognized that I should put all of my energies into the work at Heller, Ehrman, which, by that time, I practically was doing anyway. So, before I came back from the war, I resigned from the department completely.

Hicke: Well, you indicated that you might be willing to make some comparisons to how the work evolved and the programs evolved.

Heilbron: There are a few concepts that have changed markedly over the years. Some of them changed pretty much in 1933. In the earlier days of this century, it was expected that one's kith and kin would help him in times of trouble, and you are dependent on your family, and that's the reason why private charity took care of practically all relief. An indigent was regarded as a pauper. You really thought of an indigent in terms of a pauper's grave. One old supervisor in San Francisco, who was the master of malapropisms, would say, "We owe a solemn duty to our indignant dead." [laughter]

The kindred who were responsible in law were the parent, the adult child, the sister, the brother, the grandchild. So to get to the county was a long process. And the person who enforced the kindred responsibility was not the general civil attorney for the county or city, it was the district attorney. You were confronted by the district attorney. In 1933 at least we cut down the kindred, realistically, to the parent and the adult child and the spouse.

Then, also, there were very strict rules about the person applying his own property to the point of destitution--to take care of himself before the public would take care of him. To retain an automobile in those early days, that was not a possibility. Of course, you had to borrow to the limits on your home, and if you got assistance and then you came into any kind of money or property, you had to pay it back. So all of these very strict rules were modified and relaxed during the period of the Depression when it was suddenly seen that a person could become needy and be just like every other person. So that the kindred liability was cut down and the enforcement provisions were cut down, and it was realized that in some situations a person had to have an automobile to get to work and still obtain some kind of relief. So that was one issue that changed a good deal.

Then there was this business of the three-year residence requirement for the state that actually was initiated, as I told you, in 1933 through a consensus of all of the counties involved, and the one-year residence in the county. The

population didn't have the mobility in the earlier days that the automobile made possible. Opportunities in other pastures could be more easily seen, and there was further growth in California during and toward the end of the Depression--first there was the big invasion from the Dust Bowl and then, of course, the more positive invasion--or immigration, I guess is the proper word--to California because of the opportunities in defense industries. Yet the three-year residence requirement as an effort to protect against this very invasion continued until 1975. Then, I believe, a one-year provision was put in.

Hicke: This is state or county?

Heilbron: This is state. Well, actually, they knocked out the state provision because it was meaningless: if you had one year in the county, you were one year in the state. So that's what it amounted to. I believe that it was changed in '75 to a year, but I've noticed in the newspapers that in southern California, there's a movement to restore the three-year statute for practically the same reasons that occurred in 1933. Some still believe that you can stem immigration by such a law that would discourage people from coming in.

Hicke: It would be directed more against Hispanics and--

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Heilbron: And this proposal will be just as unrealistic, because when people are here, they're here. Isn't that the story of the homeless? In spite of all of civic complaints, we build shelters for them, and it's become a legal issue again, but it's different as far as I can see--it's much different from the Depression in '33. The mentally ill were in institutions in 1933, they were not on the streets. There was a pride in 1933 by the people who were thrown out of work so that even when they were not assisted by public funds, they were selling apples or they were doing something that seemed to justify their being on the streets. Now, with so many white-collar people being thrown out of work, you may have something of the same kind of people needing aid before too long, and that part of it would be repeated, but the homeless on the scale that we have is something new as far as welfare assistance is concerned, it seems to me. The quality of it is different, I think.

Hicke: But what you were doing in the thirties was really reflecting a whole change in society's attitude, or maybe it was more a change of scale, but certainly nothing on this scale had been done, and one of the reasons I asked you about preserving dignity is because I think that's another thing that was new. I

don't know how important that was say in the 19th century or to people when they were just being helped by charities.

Heilbron: There was no dignity in 19th century programs as far as I can see them. Of course, I guess we get most of our ideas of charities from Dickens, in the 19th century, but I think that a lot of it was repeated in this country. The idea was pretty much that the poor were responsible for their condition, and when you did take care of the poor, it was on a *Lady Bountiful* basis and you were doing good work. So I think there was a big change in attitude.

I remember the most impressive, the most attended, the most entertaining program in the World's Fair of 1939 and '40 was the WPA theater over on Treasure Island, which played The Swing Mikado, or something of that kind. A black troupe did the Mikado, and it was the finest entertainment that they had at the fair. It was probably the most popular. Now that was a WPA project that certainly was a most dignified affair. I remember the WPA Writers' Project, where for every state in the United States, I think, travel guides were written by authors of considerable talent and ability. Of course, these are outstanding examples.

Hicke: I think a lot of oral histories were taken of blacks and slave families, too.

Heilbron: There was a great deal of good. I'll tell you another example of a WPA project that was rather interesting, and that is when it was decided to build a San Francisco World's Fair in 1939-40, the question was, who was going to take the shallows outside of Yerba Buena Island and make a Treasure Island? It was determined that that could be done by a WPA project, and the federal WPA in Washington drew up a contract with the city of San Francisco for the development of Treasure Island. Washington WPA headquarters sent out a draft contract, and made a request that a local attorney review it from the California point of view, and I was the local attorney that the WPA depended on, so I was about to review it.

They advised that it had already been reviewed and approved by the city of San Francisco, and I found out that it was Mr. McAuliffe who had approved it for the city of San Francisco. So I said, "Perhaps I shouldn't be the person to review this, Mr. McLaughlin." He said, "I know all about that, and I've taken it up with the federal people, and everybody is aware of the fact." McAuliffe told me, "You take this contract and do whatever you want to with it. I'll never talk with you, and no matter how many errors you find in it, it will be all right. Don't worry

about that, we are all aware of the situation." So with some reluctance, I reviewed the contract with a prayer that I wouldn't find anything that worried me.

But I did find one thing, and it was something that all parties seemed to be pleased that I found. In the contract it said that at the termination of the fair, Treasure Island would become San Francisco's International Airport. I didn't know anything about aviation, but the planes looked like they were getting bigger, and the island didn't look very big, and I wondered what the future of aviation was going to be. I said, "I think that 'shall become' should be changed to 'may become,'" and that was agreed to by all the parties. So no obstacle was put into developing the airport that we now know.

Hicke: Having not long ago landed at San Francisco International, I'm grateful to you.

Heilbron: Well, another difference that occurs to me is in the adoption laws. When I advised the department, and there was an adoption, you sealed the adoption. The child never knew who the natural parent was. The idea was you had a complete substitution and there would be no pressures on the adopting parents or the child subsequent to the adoption because of a natural parent's interest or contact. Now it's absolutely the other way. The matter is open, the natural parents identified, and maybe it's all for the better, because when the child knows that he or she is adopted, there will be a natural curiosity: where did I come from? and so on. When he or she is adopted, the relationship is legal and is final. So it does not change the legal relationship, although it can cause some problems, perhaps, when the child becomes a young adult and wants to know where his or her roots are, and the natural parent could suddenly become a figure in family relationships. Now it's interesting that there's been such a reversal of procedure.

When I started out with the Department of Social Welfare, aid to dependent children was a minor program. It was the occasional unwed mother who applied for aid for a dependent child. But the unwed mother is not an occasional status anymore, it's a huge program--it's a family program--there was one unwanted child perhaps, or even wanted child, who had caused the problem in these earlier days. That's not the case. This is now one out of every four, something like that; it's a big total and constitutes a completely new social welfare issue.

Maybe that can do for that subject.

Hicke: All right. I think we've gotten a lot of good information about the state relief and welfare program in the thirties.

Heilbron: Well, I hope so, I hope so.

III FEDERAL GOVERNMENT AND MILITARY SERVICE

[Interview 5: February 5, 1992] ##

Pearl Harbor and California

Hicke: We are going to start with your entrance into the military.

Heilbron: Yes, I thought we would go into the wartime period.

Hicke: Okay.

Heilbron: Of course, we all listened with awe and horror at the announcement Kaltenborn gave over the radio on December 7, 1941.

Hicke: H. V. Kaltenborn?

Heilbron: Yes. He announced the war and graphically described what had happened at Pearl Harbor. I think his broadcast was around noon. Naturally, there was a period of considerable confusion. The Los Angeles area took emergency action--guns fired into the air to stop incoming Japanese aircraft that never were present, and a blackout was called; all the lights in Los Angeles were out except a big sign pointed seaward which said "Welcome to San Pedro." [laughter] The war began with surprises.

With a good part of the fleet destroyed at Pearl Harbor, people wondered where the remnants of the Pacific fleet were. It was not published anywhere. It was a kind of a secret affair. All you had to do was go up on top of Telegraph Hill and look out and see where the remnants were--they were in San Francisco Harbor. I think one or two of the escaped ships came into the harbor also.

Hicke: The escaped ships?

Heilbron: Ships that escaped Pearl Harbor. One or two were on the way before the action.

Hicke: Where were you on that day?

Heilbron: I was in San Francisco. We were at home. We lived at that time on Jackson Street, actually a couple of houses away from the German consulate. That building subsequently became the California Historical Society and that, of course, has recently been sold again.

Now [German Consul] Fritz Wiedeman, I think he left, however, before Pearl Harbor and before our declaration of war. All I remember is when he left that house, he took thirty-seven Yellow Taxi cabs to the airport to transport personnel and property and reputedly gave a gift of $10,000 as tips to the cab company, I guess, to stir up goodwill for Germany, which again makes me think he left before the war was declared.

Hicke: He was the consul?

Heilbron: He was the consul general for western states, I believe, and he became a rather important figure in the German foreign office afterward.

Well, after a couple of weeks, we were settled down to war, but the legal practice, for some of us, was somewhat difficult. Here was a war going on that we recognized was a great determining issue for mankind, and it was hard, for me at least, to continue with civil practice as usual.

Hicke: Just to go back to December 7th again, were you expecting something? Were you sitting around listening to the radio because you thought there was something going to happen?

Heilbron: No, I think we ordinarily had a news program around Sunday noon and--I believe Kaltenborn's program was usually at noon. Of course, the buildup towards the war, the country by country takeovers by Germany, was an exciting series of radio programs in themselves, so that it was not unusual to be listening at that time.

Board of Economic Warfare

Heilbron: Anyway, during a good part of 1942 I did continue with the firm, but toward the fall I felt that I wanted to contribute something

more directly to the war effort than helping out at the USO headquarters, which I had done, and was encouraged to come back to Washington by friends I had made in the California government, Charlie Schottland and Harold Pomeroy. So I went back and interviewed at the OPA, the Manpower Agency--I think Paul McNutt was the head of that--and the Board of Economic Warfare, and maybe one or two others. I was rather attracted by the Board of Economic Warfare. It was cutting the red tape with reference to the procurement of essential military supplies, and it seemed to be in the forefront of the war activities, and I agreed to come into the board service as a principal attorney. With other attorneys of that group, I was to negotiate the purchase of more or less exotic metals and minerals that were necessary in the development of the new technology of war. I dealt with a procurement officer who was an expert in the field, especially in the area of beryllium, titanium, tungsten, and Brazilian quartz.

Almost at the outset, an interesting episode: we had to review contracts for the procurement, and I saw a contract with one H. I. Altshuler for the development of a mining program in Bolivia. I didn't go much beyond the first two or three lines when I took the contract to the general counsel and said, "I can't handle this; Mr. Altshuler is my wife's brother in-law, and I certainly don't want to get into any conflict-of-interest for myself or for the agency."

This is an aside, but it proved to be a very wise decision. My wife's brother-in-law was a very effective and important mining engineer, and he produced quite a bit of the tungsten for the United States under the contract, but toward the end of the contract period, either in late '44 or '45, the agreement was to be terminated, or at least the United States had the option of terminating it, and there was an issue as to how much was owed to the miners down there, and they were not paid. Mr. Altshuler had to make a special trip to Washington to argue the justice of the miners' claims. His arguments were accepted; he insisted, however, that instead of sending the money down to be distributed by the local people, he wanted to go back himself to make sure that the money was properly distributed. He went back and did that, but for his reward he got put in jail by the Bolivian authorities on some trumped-up issue. He was let out, or escaped, and got transferred to Peru, where he also was interned, but this time he had very good company: the future president of Peru and his future cabinet officers, [laughter] because it was a political proposition, I guess, pretty much from the start.

Hicke: Which president?

Heilbron: I can't recall, but I'm sure I can ascertain it easily enough.

Hicke: Let me just ask you, though, it brings up an interesting question as to how those contracts work. Did the government actually pay the workers? I thought you said the contract was with him?

Heilbron: The contract was with him and he was the person who put in the claims and got the money on his contract, and he paid the workers, but the point is that the funds were withheld from him, so he did not have the funds to pay the workers.

Hicke: Do you know what the problem was?

Heilbron: I don't know. My wife will recall it, because she and her sister had to go to Washington and somehow argue with the State Department and raise the money which was a guarantee of some kind for his return to the United States. I was overseas all of this time with the army; so I wasn't of any help whatever. So they pledged whatever they had and they got him back. Then he had a long-time claim against the United States on his contract, which he finally won fully--got fully reimbursed.

Well, this is an aside, but that was one thing I <u>didn't</u> have to handle.

Hicke: Well, that's a good illustration of some of the things that happened.

Heilbron: The BEW--the Board of Economic Warfare--was a fast-moving operation. It was under Vice President Wallace, who wanted to prove that--

Hicke: Henry Wallace?

Heilbron: Henry Wallace, who was against the slowness of that time of the Reconstruction Finance Corporation, and there was quite an undercurrent [of competition] of who could do best for the country. The elimination of red tape in preventive procurement in Spain and Turkey and general direct procurement in other parts of the world were challenges to the Board of Economic Warfare, and I think the accepted view is that the board did an exceptionally good job in procuring important essentials for the war.

Hicke: What is preventive procurement?

Heilbron: Well, preventive procurement was to prevent the Germans, particularly, from procuring the very same things that we wanted for the prosecution of the war.

Hicke: Get there first?

Heilbron: Get there first, yes.

Fast procurement and showing that you need the supplies has a great effect on raising the prices by the suppliers, and, for example in Brazilian quartz, which I believe was pretty much picked up off the ground by natives in Brazil, in the upper part of Brazil, the prices would go up from month to month as it was perceived that Uncle Sam needed the materials. We would stop all purchasing while there was some negotiation and argument and the process would start all over again.

It was something like the old Key Route trains that used to come into the Ferry Building over in Berkeley. They'd come in at about forty-five to fifty miles an hour towards the pier and have to slow up, and sometimes they couldn't slow up quickly enough, and they bumped into something and caused damage and accidents. There was a hue and a cry and the trains were slowed down to about fifteen miles an hour. Then people would miss their boats, and in two weeks they were going twenty-five miles an hour and then wham, in about thirty days they were back to normal. [laughter] Well, that was something like the quartz purchasing in Brazil.

It was interesting to be in Washington at the time. We were under no immediate threat of the war reaching Washington, although German submarines were penetrating the Atlantic, and that included the western Atlantic. A doctor fraternity brother of mine, who was in Pearl Harbor and was on one of the warships and operated all day without knowing where he was or whether the ship was going down or whatnot--

Hicke: He was on a submarine?

Heilbron: No, he was on one of the ships that was not completely destroyed--came into Washington, and occasionally we would have drills with air sirens, and then we were supposed to rush into buildings. Then since nothing was happening, we were never very much concerned about it and took our time to get to where we should go. But when that siren blew that day, he took us by the arm and he just threw us behind a doorway.

But somehow, since the essentials of the procurement, rather than the legal detail, were done by these civilian

experts, I had a feeling that maybe that wasn't the place where I could make whatever contribution I could make.

Joining the U.S. Army: Training

Heilbron: So I applied for a commission in the army and, after time, was accepted. This was during the summer of 1943. Incidentally, General Barrows of the university had given me a good recommendation, and I suppose that that was very critical with respect to obtaining a commission.

Hicke: How old were you now?

Heilbron: I was thirty-six.

Hicke: So you were over the draft age by some considerable amount.

Heilbron: I was over the draft age and had two children. I had talked this whole matter over with my wife before applying to the army, and considered the children, and we felt, together, that there are times when you are tested and there was a right thing to do, and we supported my going. Of course, I had no idea the period would be as extensive as it proved to be.

Hicke: At some point I want to hear about Delphine, meeting her and your marriage and so forth. Is this a good time, or should we do that all at once?

Heilbron: No, that's a completely different story, and we were already ten years married when this is taking place.

Hicke: Somehow we need to go back and pick that up.

Heilbron: This point, I think, is probably not the right time.

Hicke: But, anyway, you had been married.

Heilbron: It was wonderful to have that support. There were two sides to the question as to whether I should have done this--probably, if there were any hesitation on her part, I would not have done it.

Hicke: She stayed here?

Heilbron: She was in Washington. See, we had moved to Washington and so this was all done from Washington.

I went out to Camp Custer in Michigan for basic training. It was pretty strenuous, but certainly not as strenuous as G.I. training would have been, although we had to crawl for a considerable distance under live ammunition fire, and we had to learn to shoot, and we had what would be a rather complete course in the army in the training of a soldier.

Hicke: Did you get any training in how to behave as a prisoner?

Heilbron: Oh yes. Surely. And what to answer and so on. In addition, we had the beginnings of training already, at Camp Custer, on military government. We had a course of military government that began with Persia--Alexander the Great! Of course, it was rather rudimentary in the earliest days: you used the men as slaves and did with the women as you pleased.

Hicke: This was in preparation for the occupation?

Heilbron: Yes, but then it developed in Napoleon, and we had a long course on the Civil War Union occupation of Louisiana, but that was all in fairly elementary terms.

After we finished with Camp Custer, we went to a couple of universities. The university groups expanded, but at that time there was Charlottesville in Virginia--that was the University of Virginia--and Yale [University], and I went to Yale. It's remarkable what a thorough crash course we received in the governmental structure, the social programs and attitudes, the organizations of Germany and the areas to which we would probably be assigned. With me it was going to be France, so I had a full program with respect to the history of France, the culture of France, what to expect from the civilians that we would more or less control.

Hicke: What were you actually being trained for?

Heilbron: We were trained to take over towns, provinces, countries that were conquered or liberated by our troops. We would be left behind to control the reorganization of civilian life and, as far as possible, to do it in a fashion that would protect civilian life and at the same time facilitate any further army action that was necessary. Of course, liberation in France would be quite different than an occupation of Germany, and it was a little bit a question with respect to Italy as to how it would go.

Hicke: Did you have to study French?

Heilbron: Oh, I studied French, phonetic French, and I have the notes left, which are kind of amusing, where the French instructor tried to make us speak conversational French in a way that a Frenchman would understand. It was the opposite of learning a language by studying its grammar and actually learning its literature and then going into conversation. We were going to go into conversation and whatever else we could pick up was on our own.

Hicke: That's really interesting. The first course I took in Spanish in school was a U.S. Army-devised language training course, and that's, I guess, where it came from.

Heilbron: Well, there was a very successful foreign language school in Monterey that trained our people to go to Japan and very effectively. I think some people would respond to this very well--I know my wife would, she has a good ear for music and language. I know both my sons would, although they learned their language the hard way, except my son David, when he was in England and was a Rhodes scholar and had a vacation period, He went to Spain for his vacation and didn't know any Spanish, so he got on a train with a dictionary in Paris and--

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Heilbron: --didn't take his head out of the book until he was about to cross the Spanish border. A priest came and sat in his compartment--he was a Spanish priest--and they started to talk. Of course, the phonetic side came when he heard the other party speak, but he had enough words and enough vocabulary and was willing to make any number of grammatical mistakes in order to hold a conversation, something I couldn't do. I would be worried as to whether I was speaking correctly and then I would not be able to talk at all.

In any event, I was hard at study in French. Except for about ten days in Paris where I didn't need any French at all, I didn't get to France for my military government work. Indeed, I got to Italy and I got into Austria, for which I had no preparation at all, except for the concentration on Nazi governmental structure and what we had to do to dismantle it. It was a very fascinating experience at Yale. The top professors in their fields dealt with Germany and Europe.

Hicke: So you'd have history professors and government?

Heilbron: Government, that's right, and sociology and some military instruction--what to expect of the attitude of German officers, German prisoners--and it was a quite interesting period.

My wife and the boys came up from Washington for a part of this time--most of it, I guess. We moved into rooms in the New Haven Hotel--I think it was that. It was next door to the theater, and I recall that we heard that there was a wonderful new musical play intended for New York that would start in New Haven. So we tried to get in on a Saturday afternoon and it was sold out. But they said--we only had two children, I was in uniform, and we looked a little appealing to the ticket manager --and they said just wait a few minutes, and just before the curtain went up, we got seats in this full house. It was *Oklahoma!* [laughter] It was a magnificent performance.

Anticipating somewhat, the first musical show we saw when we came back with the boys at the opera house in San Francisco was a revival of *Oklahoma!*

Our mess was at the Fence Club, which was, I believe, at Yale a very prestigious club that very few of the students got to enjoy, but that's where we had our mess. I remember, not long before going, we had a guest and the guest was Boris Karloff. Boris Karloff told our sons, "Now you be good while your father is away," and they certainly felt that they had to be good. [laughter] They had to be good if he insisted.

From Yale, I went to a camp in Pennsylvania, toward the end of the year--I'm talking about the year '43--while we had further general training; it was mostly a question of physical training rather than organizational training for military government. I think that was Camp Reynolds, I'm not sure, because we then went to a staging area, also in Pennsylvania. By that time the family had left me, of course--went back to Washington to wind up our affairs, an apartment in Washington--and so I was prepared to go overseas when we were ordered. I remember we finally ended up near the Port of Embarkation in New Jersey and were allowed to go in for one last night into New York. I went with another officer--a social worker, I think, from someplace in the Middle West--and the one thing that we were told not to talk about was any indication of when we were leaving. Some other officers were on the train who talked about whether it would be cold on the ship or not. It was sometimes difficult to maintain security in Washington. In London, security was pretty well maintained.

I forget whether it was in Washington or in London, an officer dressed up as Hitler and another well-known Nazi official went around for two days before they were picked up and recognized. And everybody had to have a security card to get into the Board of Economic Warfare building, the OPA building,

any building connected with governmental activity. So security is sometimes difficult to maintain.

Further Preparation in England

Heilbron: Well, we went to Europe on the *Ile de France*, which was stripped of all of its luxury. We were in a room for four people, I believe--carried four as its maximum--and we had seventeen officers, and that was luxurious. In the hold were thousands of G.I.s. The *Ile de France* carried 17,000 bodies. We had all of the military government trained officers of the time on that ship. It had been rumored, and of course we learned this afterwards, that Hitler would be overthrown and that the need for military government officers was almost immediate, and that was the reason for our sailing at the time. Had we known what the course of the war would be, we would not have been sent overseas at the early date that we went, because we had to mark a lot of time.

Hicke: What was the date that you sailed?

Heilbron: We sailed close to the end of January of 1944.

Hicke: Do you know what the rumor was about? Was it the attempted assassination?

Heilbron: That was a little later that year, but it wasn't the rumor of an attempted assassination, it was a rumor that the army would seize control and that things were going to come to an end. By that time, we had already been in North Africa and I believe had landed in Sicily. My dates may not be absolutely right in that respect, but the war was beginning to turn; at least that was what we were told when we landed in England.

We had a little bit of an eventful trip on the *Ile de France*. The *Ile de France* was a very fast ship and was expected not to be in much danger, because it could get away from submarines, and we were allowed on deck, even at night. But we had some New Zealanders aboard that ship, and there were some Australians too, and the New Zealanders fussed around with what they thought were--well, I don't know what they thought they were--but what they did was to light up a lot of flares, so that the ship at night stood silhouetted against the absolute flares in the middle of the ocean. If a submarine had been right there, the target was lit up for them. They put out the flares, and they confined us to below deck for the rest of the trip.

The event meant that we had to go southward for half a day that we didn't expect, and it took us a half a day longer to get to Scotland.

We landed at Greenock, in Scotland, and it was the first feeling we had, really, that a war was on. The great balloons that were to protect against aircraft bombing, camouflage ships all over the harbor, small boats going back and forth--very active, picturesque port, but you knew that there was a war on.

We were transported to a train and went down to a place in western England--took most of a day to get there--and got off at Swindon in western England. We marched to Shrivenham about two miles away; that had been a cadet training center, not equal to the British West Point, but, I think, second thereto. We arrived there at the very end of January and stayed there for the balance of our real military government training, because we had by that time to be allocated, divided, assigned to certain cities, towns, provinces, countries.

At first I continued with my French program, but I think a couple of months down the line, Harold Pomeroy, who had been a relief administrator in California and who was the administrative officer of a newly formed group that was going to Austria, asked whether I would be interested to join that group and, if so, he felt that there would be an opportunity, particularly if I would come on as a labor officer. I thought that probably would be quite interesting, because it was going to be in the area of developing labor policy in part of the heartland of the whole German operation, Austria.

No one knew at the time, before the invasion, what might come first. After all, we might go up Italy and into Austria and into the underbelly of Europe, go into Germany from that side. In fact, it was Winston Churchill's idea that we shouldn't be going up Italy at all but going up through the Balkans. But Italy was selected. So it wasn't clear how the war would end. I don't know of any instructions in military government ever considering what happened if a town were re-taken after our military government controlled the town. I guess that the answer was you would be a prisoner. So there was no particular instruction in that field.

Hicke: How soon were you expected to go in after the--?

Heilbron: It depended whether you were going into a town or a province. Every important collection of small towns should have its own military detachment. I assume that something akin to a county, for example, might be under a military detachment with small

towns, and then the next one would be one of the provinces, and then the capital itself. The people in the detachments, after we did invade, had some extremely interesting experiences.

Hicke: The first ones in?

Heilbron: The first ones in. In one case, at the very earliest part of the invasion in France, I don't know which town it was, but it was important to get the mayor, who was recommended by the underground, in office and established. That was done, and he had two motorcycle escorts provided by the army--our army--and he was pleased to start cooperating. Of course, most of the French deeply wanted to get rid of the German occupation, deeply welcomed the American army.

Hicke: But didn't they have some French collaborators?

Heilbron: They had French collaborators, yes, but the bulk of the population wanted to be freed.

Hicke: But were they not governing some of these towns?

Heilbron: Oh yes, you displaced practically any political administration that was there. That was one of the problems of military government. What you had to study was who were in charge and do you go to the local officers. We had long talks about who were the underground, who were the dependable Catholic clergy, the backgrounds of each place that we were going to go into. That was part of the instruction.

In any event, this fellow had two motorcycles, and he was pleased. Then they went on to the next town, and they liberated that town and they gave the mayor a motorcycle escort, but they had a terrible time getting things started. Finally, they found out what was wrong. The mayor of the first town had two motorcycles for an escort and he only had one. [laughter] So even in wartime, you get these absolutely ridiculous situations.

We had a very concentrated experience in west England, as far as instruction went. We began to know much more about the places that we were going to and some people were assigned--no military government officers went in on D-Day, but a few went on D-3, because there had to be some kind of liberation before there could be any kind of government.

It was regarded as an interesting and constructive part of the service. General Eisenhower came to Shrivenham, and there was a review, and he talked quite frankly about what might be expected. It wasn't going to be easy. Not everybody to whom he

talked was going to come home. It was a rather serious and interesting and vital time.

England--V1s, V2s, and D-Day

Heilbron: Well, one night in June, I guess it was June 6, wasn't it? The early morning of June 6, beginning maybe around three to four in the morning, we heard the greatest roar of aircraft that I think anyone will ever hear. From that time in the early morning until that night, there was a constant roar of airplanes, because they would fulfill their mission, come back, and go again. How anybody could withstand what that power meant is almost beyond belief. No one had to tell us that the invasion was on. You see, most of the airfields were in western England anyway, so they were all around us, and the invasion began in a sense in King Alfred's country, which was western England.

Hicke: Were you briefed at all on the invasion before it took place?

Heilbron: No, no, no. We did know afterwards that there had been--whether it was a leak, everybody on ship was ready to go, you know, a day or two before, and they had their occupation money, they were all ready to go and then were called back and the invasion delayed. I forget the reason, but I know one of the finance officers told me that after issuing all of the money, he had to take it all back, and it was quite a problem to reinstate the invasion. Everybody knows that that was a question of climate and a question of whether we would have to delay for a month, and perhaps the greatest decision on our side of the war was made to proceed.

Well, we went into London where we occupied a house, that is, the Austrian group, in a place called Princess Gardens. I suppose you would call it the south side of Hyde Park. It was an old Victorian. I guess four or five stories. And that was where we had our first offices, and not long after we arrived, the V-1s and V-2s began to arrive. I think they called them the V-1s. These were the small, automatic, little bomber airplanes that ran on fuel, and when the fuel was exhausted, the plane dropped with its bomb, and wherever it dropped, it did its damage.

Hicke: A rocket?

Heilbron: It was not a rocket, you see, it was a flying bomb, fuel dependent. While they undoubtedly tried to gauge where it would

fall, it was an uncertain and indefinite kind of a munition. But it could cause a good deal of consternation and fear. As long as you could hear it, it was all right because it was still in the air. It was when the sudden hush and stop occurred that you were concerned: was it over you or not? And that was what was dropping over all of London for quite some time.

The British started shooting them down with anti-aircraft guns, but that was not such a good idea. Unless they made a direct hit and exploded the bomb in the air, the bomb would, instead of taking a kind of parabolic fall, come straight down, and this caused, on a beautiful Sunday morning in the Guard's Chapel, which was a little bit of a church sandwiched in between larger buildings, one of the most tragic losses when, during the service, it killed everybody in the church. After that, they amended the way they tried to shoot these down. Actually, fighter airplanes, which could out-speed these very easily, could shoot flying bombs down much better before they arrived in London. That was improved, but for a while it was rather--well, you knew that you were in the war.

We all had to do fire watch with the idea that if you saw something pretty close, you'd come down from the roof and tell everybody, and everybody would scatter. By the time you got down, I think it would have been too late, but anyway we were on fire watch. One night when I was on fire watch, I counted seventy bombs flying over London. People in London took these attacks with marvelous courage. Everything that they could normally keep going, they did.

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Heilbron: One vaudeville kind of performance never missed a night during the whole war. I went one night, and Hermione Gingold was a young woman, and she was the star.

Hicke: I've seen her here in the opera, I think. Hasn't she been here singing in the opera, or am I thinking of somebody else?

Heilbron: Well, you've seen her in moving pictures, but she was always a comedienne. She did some serious things, too, but in those days she was simply one of the girls.

Of course, the area behind St. Paul's was thoroughly demolished, but that demolition had taken place in the German air raids with airplanes. The German airplanes didn't get through anymore by the time we were up there. The Battle of Britain by air had been won. But these bombs were launched from launching pads in Belgium, particularly, and possibly Holland,

and they were quite a nuisance. I was in a little hotel near Hyde Park, and a friend of mine asked why I remained in a hotel when they had a flat that a lot of American officers were in and he'd get me in there, which he did. So I left the hotel an hour and a half before the bomb hit the hotel and more or less knocked up the room where I was staying.

I got into a place--the only room they had was the living room, which they would make up during the day, and it was kind of a modern room. All around it was glass mirrors. When I went to bed, I would think, "My god, if anything did happen, I would be glassified."

Hicke: Slivered.

Heilbron: That's right, slivered. But it was a pleasant enough place, and we all gave the owner our ration coupons, and the result was that we were attended to with fairly decent food when we wanted it, although we ate mostly at our mess. Our mess was Grosvenor House, and that's where the officers in London usually had their meals.

[tape interruption]

Heilbron: Most of the officers in London had their mess at Grosvenor House. I recall that we were told to eat as much as we desired, but to leave the plates clean, and that was the order of the commanding general Eisenhower, who came to visit us one day at noon, and naturally, as he passed through the line, everybody wanted to see to it that the general had enough to eat. The result was that his plate was full to the top and there he was, confronted by his own order and told by his aides what his problem was, and like a true soldier, he finished his luncheon.

Well, going back to the flat where I had my second place of residence in London, I thought it was relatively safe, because there were two stories above my room. But one day, when I looked more carefully, during the afternoon when I came home, I realized that two of those stories had been knocked out by a bomb, and only most of the front surface was there, so I was really on the first floor anyway. [chuckles] But nothing untoward happened.

Hicke: Little harder to sleep, though.

Heilbron: No, you got used to it. Just as the Londoners generally accepted the situation, so the rest of us did.

After the invasion, some of our army people came back for R & R [rest and relaxation], but they said they returned to France more quickly because they'd rather be in a place where somebody was shooting at them directly and intentionally rather than in a place where anything could happen at any time.

Hicke: There's that constant fear of not knowing what's going to happen. I think the suspense or something must have been--

Heilbron: Well, that's true, [we were happy] when the V-1s were finally pretty well vanquished, because we had destroyed them when they came in and also we had taken over their launching pads in the first part of the invasion. We had the rockets--I forget, I call them V-2s now, I don't know which were the V-1s and V-2s--but the rockets were by far the most dangerous. You couldn't hear them coming, and when they exploded they did a great deal more damage than the other type of bomb.

A friend of mine was on a bus going through one of the streets in London, and a bomb hit close by, and there was a terrible concussion. I think there is a certain amount of whistle before a bomb hits, and he dived in the back seat. Finally, when things settled down after--there was a great deal of shaking of the bus, but it didn't turn over--he got up and gingerly made his way to the front of the bus and everybody was still sitting down and he looked at them, and not one of them could return any words. They were all dead. He was the only one in that bus who survived that concussion. So London was a queen city as far is its resistance to bombing was concerned, but it deserved its reputation.

I think perhaps the most memorable proof of the spirit of the Londoners was at a play, *The Last of Mrs. Cheney*. During the performance, one of these explosive rockets dropped in the Thames [River] outside the theater--I guess it may have been the Savoy theater--and the whole theater shook and the cast, I guess, was like that group of people on the bus. They were all just frozen in their positions, and after the shaking stopped, instead of the situation on the bus, the cast went on with the play from the conversation that had just been interrupted without any hesitation, without any indication of tremor or anything else. But then the audience stopped the show. For five minutes, they clapped and applauded. I think that's marvelous, a better example perhaps of that period than anything else.

Well, we moved from our Princess Gardens to St. Paul's School for our headquarters of our Austrian group. Montgomery had his headquarters there, and Montgomery left it for the

active front and took all of the remaining officers with him, and we got that headquarters. It was a pleasant enough place, and we became quite attached to it. In fact, we consolidated the British group and the American group of military government in that building, and in honor of that occasion, I went to Harrod's, bought out all of the St. Paul's ties, and one day all of the American officers came into the mess with St. Paul's ties to show that we were really one of them.

Hicke: So this was going to be a joint occupation?

Heilbron: Well, in Austria, of course it was going to be a--remember now, by this time, we were all scheduled to be the Allied Government of Austria.

Hicke: Well, I know Germany was divided into parts, but I didn't know that was true of Austria.

Heilbron: We were going to be the central government, and it was going to be a four-power control of the central government called the Allied Control Commission, and our elements had to be combined. We were separate elements only united at a coordinating committee at the top, but we had to deal with one another. In order for a government to have joint directions, there had to be joint agreement that those directions from the Allied Control Commission were agreed to.

Hicke: But it was geographically divided?

Heilbron: Oh, the zones were divided. There was an American zone, a British zone, Russian zone, and French zone. That was true of Austria. Vienna itself was a coordinated operation, but even in Vienna there was an international zone and then each section was divided so that we did maintain separate jurisdictions. But it was easier to operate when you more or less developed together, and we developed with our British group at St. Paul's.

I had one rather interesting experience in London. One of the things that we had to know was what was going to be left of Austria to govern. I had to go down to one of the war administration buildings to find out from intelligence really what the situation might be as far as they would tell me. I had my security clearance to go down. I took a taxi--I can't remember the name of the building at the moment--but when we got there, the taxi cab driver, upon checking the address, finally said, "Oh, that was one of the buildings where part of it was removed." Removal meant, of course, a big bomb had knocked it down, but that's British understatement: it was removed.

I had the number of the room to go to, and I can't recall the name of the person, but let's assume that the name was Pence. I finally got to the room number, knocked on the door, was told to come in, and saw a young, studious-looking lady wearing outsized eye glasses. I said, "Pardon me, I'm looking for a Colonel or Mr. Pence." She said, "No Mr. Pence here, but there's a Miss Pence. I'm Miss Pence." I presented my credentials, and she proved very cooperative. The young lady--I would say probably in her thirties--with maps all over the wall, told me that she was working with army intelligence, and she seemed to know in advance what I was interested in. She said, "I understand you are interested in Austria."

I told her I was interested in what was left of the infrastructure of Austria, particularly with respect to its manufacturing and other industries, and she said, "Well, let's go to the map." And she also had a number of maps in a great, big book, and she showed me what the targets were and to some extent what damage had been reported done. I found that from day to day she sent her recommendations with respect to the proper targets to weaken the German/Austrian war effort from this little room. She had been in Austria, she knew Austria backwards and forwards, she knew where all of the places were, and here this little lady was--

Hicke: Directing the war?

Heilbron: Not directing but playing a significant part! I found that extremely interesting. Of course, she knew that the Herman Goeringwerke in Linz was going to be a principal target, and she knew that it was extremely well protected. They had great difficulty getting through the flak, but they had already done damage there. She suggested that I go to one of the airfields from which the great bombers took off.

I went up to Petersborough, the airfield from which our major bombers flew. I had to have an invitation from the YMCA to get there--the head of the YMCA in San Francisco was running the Special Services Department for the army at their headquarters. It was also the place where Captain Clark Gable was stationed. He said, "Maybe you'd be interested to see what happens during the night before they take off."

So I went there to the wildest poker game I think I ever saw. Here these young aviators would be betting $500 on a hand. Money didn't mean anything to them, and the betting was really out of this world. I don't say that they'd bet that amount on every hand, but that's what the bets were, and the pots were tremendous. And then, when the time came close to the bombing

missions that left close to midnight, some of them who were assigned would disappear and go on their missions.

Hicke: Was there a lot of drinking?

Heilbron: No. I can't answer that. The answer was liquor was free and easy in the mess in a certain sense. That is, you could go and have a whiskey double or single as you wanted twice during the mess period, an hour apart, and that was all you were going to get. Now what they did up at the air headquarters, I don't know. But I didn't notice that--you couldn't be in that kind of condition.

Hicke: That's what I was thinking.

Heilbron: No, no. It was simply that poker was the big relaxation for many of them. I remember meeting a couple of air officers at the Grosvenor mess when they came down for a little R & R, but they couldn't take the R & R. They were very glum. They had been on a mission where I think they were the only plane to come back out of a squadron. One or two planes came back and they had lost the others.

Well, that was a bit of wartime story. Maybe I shouldn't be speaking so much of this kind of thing when the real subject is military government.

Hicke: No, I think that's very valuable to get some reminiscences of people who were there.

Through Italy to Austria

Heilbron: In February of '45, I went over to Paris and coordinated with the officers who were going to go into Germany, because almost to--well, even at that time, I think by the end of February of '45, I think that we were still operating under the advice that Austria was going to be an occupied country. Somewhere down the line, the determination was made that Austria would be treated as a liberated country instead of as an occupied country, but still it was essential to coordinate with the German Allied Commission, at least the U.S. Element, in order to determine a number of issues that would be the same in Austria as well as in Germany. For example, the de-Nazification program.

I don't know whether it was in France or earlier in England that I talked with David Morse, who was the chief Labor Division

officer for the Allied Control Commission, U.S. Element, in Germany. He later became the executive director of the International Labor Organization, immediately after the war.

When I returned to London, I was advised that we were to move to Italy and not follow the invasion forces through Germany but independently to go up through Austria. So I went to report to the Mediterranean headquarters in Caserta, which was about, I think, some seventy miles out of Naples. This was an area that had been freed at a very bloody cost. It was the area where we landed in Salerno and had to work our way up. The southern part of Italy was called King's Italy--it was freed, it was liberated--and we gave the Italian local governments extensive authority in their own area. We did have our own military government detachments there already, and we weren't called upon to do much duty in Italy, although we were on call, and part of our city and province detachments did accompany our troops in northern Italy by the time we pushed into the valley of the Po [River]. Since all of us were on call to go to northern Italy for the purposes of military government, we had all received a unit award of a bronze star, which I certainly did not deserve because I was not called for that duty.

Caserta was a fascinating headquarters. It was a tent city in a palace--on palace grounds. It was there that we really perfected our plans for the occupation of Austria. I can say categorically that when we got up to Salzburg, we didn't know whether we were in the planning stage or in the operations stage. We knew the places to look for; the people turned out to be as expected. The good, unexpected part was that the city was left quite intact, while most of the cities of Germany had been severely bombed.

Munich was pretty well hit, but I assume that after the determination that Austria was to be treated as a liberated country, we were not as severe in our bombing attacks, and after all, from the standpoint of the war effort, if we neutralized Herman Goeringwerke in Linz, we neutralized most of what was important in the Austrian armaments regime. Although there were other places; Graz, I believe was an important area of arms production.

Hicke: I have to just interrupt you and ask you if you know about this exhibit that's coming on Austrian arms and armor?

Heilbron: No, I don't. That, I believe, is from Graz.

Hicke: Yes, it is.

Heilbron: But I never got down there. That was part of the British zone, and I did not get there. One other area, however, that was, I think, more interesting than the armor, no matter how interesting that may prove to be, were the salt mines near Salzburg where a great deal of the best of European art was discovered, and where we suspected it would be.

Hicke: Did you?

Heilbron: We suspected that valuable things would be there, not just what would be there.

Hicke: Were you part of that--?

Heilbron: No, I was not part of it, although one of the people who was directing the work of--

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Heilbron: --saving and redistributing the art became the director of the Legion of Honor in San Francisco [Thomas Carr Howe].

We did have some counsel, I think, to give to the army as it went up in Italy. Our army had the attitude that I can well understand, that when they needed something, they'd pay for anything they needed, and that the important thing was to get it done. They had an effect of raising wages and drawing off the more competent labor from the jobs that they should be doing in civilian life, and more or less, let's say, interrupting reconstruction of Italy. We advised them repeatedly to try to maintain their wage levels at the wage levels of the competing civilian economy and to hold as closely as they could to that. Of course, where they absolutely required immediate assistance and had to pay for it, it was different, but they didn't normally operate that way.

I had an interesting time, once, addressing the British group that was the military government of the Naples area, just outside of Herculaneum, and told them what our plans were for Austria and what our labor policies were. They were interested and polite and invited me for luncheon, and I went up to their villa, which was a lovely place up in the hills of Naples. The luncheon was delightful, leisurely. After luncheon, most of them retired for their naps.

Prior to the time that we completed the luncheon, we did have conversation, and I asked them how long they expected to be in Italy, which seemed to be getting along, in that area, reasonably well. "These people will need us for ten years!"

[laughter] Now this group had come over from India, where they were used to a career of colonial life and privileges, and they were simply going to move over to Italy and enjoy them there.

Hicke: The new Raj.

Heilbron: That's right, and I don't think they lasted very long in spite of the fact that they had joyful anticipations, because they were leading the good life, there was no question about that.

Well, one day, my colonel--I believe it was, by this time, Junius Smith--and I were going from Caserta to Rome, where we had a meeting scheduled, both with respect, I believe, to the future governing of northern Italy, that is, from the military government standpoint, and about Austria. We were stopped somewhere about midway, and the officer took some time--no, I guess he was a sergeant--some time before he came back to clear us to move on. The colonel, who had a bit of a temper anyway, said, "For godsakes, soldier, don't you know that there's a war on?" and the sergeant, in a very deliberate tone, said, "Well, no, colonel, the war is over." And that was the time that we learned there had been a surrender of the German forces in northern Italy. [laughter] So we did go on to our conference and then soon we'd gone toward Austria.

I want to say about southern Italy that the two roads from Naples to Rome, one along the coast and one in the interior--somewhat like our coastal road in California and our interior road up the valley--were sites of devastation. There wasn't one house intact between Naples and Rome, and bathtubs hung out over damaged floors, and rubble was everywhere. Monte Cassino, which was a monastery, a great monastery, was a scrambled egg on top of a hill. The Polish contingent took a severe beating there.

Well, we went up north farther to a staging area in Florence. I believe there was still some question as to whether there would be German resistance in the Tyrol and Bavarian Alps, and that that was one of the reasons for us not getting to Austria at once. They didn't know what partisan activity might remain to make it difficult for military government. They didn't know whether the Germans would make a last stand anywhere in the mountains of southern Germany and in the Alps of Austria.

Florence was an extraordinary center of military concentration, by that time. People had come up from--the British Eighth Army on one side, our Fifth Army on the other side, a Brazilian air group located at Pisa, Poles, a Jewish brigade, British from mandated Palestine--it was a conglomerate of allied forces. All these forces were represented at a great

service held when Roosevelt died at the Santa Croce church in Florence dominated by Verdi's Requiem, and the people who were there were tremendously moved--I'm talking about the military and the civiliana outside, and the civilians inside, too. It was a memorable sight.

There was one very interesting thing I saw as we were leaving Florence, and it was a series of derailed railroad cars that were--I don't know whether it was the cars themselves or the ribbed cages that had been brought from the cars; I think that was it. What had happened was that just before the end of the war, Herman Goering ordered that the treasures of the Florence art galleries, Uffizi and the others, were to be carried into Germany, and he loaded a train and proceeded with that train to go through the great tunnel on the way to Bologna; the tunnel was right exactly outside of Florence. But American intelligence found out about it, so there was the train all intact and there was the train going into the tunnel, and the Americans bombed the other side of the tunnel and the train couldn't get out. So they brought the train back, just before we had come into Florence, and these ribbed cages full of art were strewn over a big area, and while I had seen the [Lorenzo] Ghiberti [bronze] doors in place when I was a student going into Italy in 1928, I didn't expect to see them through the ribbed wooden cages of one of the huge storage cartons, not cartons, in effect great, huge, ribbed boxes where I could see through the interstices and know that they were the Ghiberti doors.

Hicke: They were still on the train?

Heilbron: No, no, no. They were taken off the train in a railroad yard because I could see them, they were unloaded, but so much had to be done. We arrived shortly after the surrender, and the train had stayed in the tunnel for a while before they pulled it back. It was still not a covered area, and there was the art of Florence. Now what would have happened to them had the train gone through, I don't know. Conceivably we could have bombed that train, thinking that it carried military troops. Conceivably they could have been put into caves in Austria. Conceivably they could have been brought into German cities and bombed there. Whatever, they were intact and saved by the intelligence and the bombing raid.

Hicke: That's a fascinating story. It makes you realize how fortunate it is that there is anything left there.

Heilbron: Well, an art book was issued called *The Lost Treasures of Europe* after the war, and comparatively very little treasure was lost.

Allied Control Commission, Austria

Heilbron: Well, we got up through the Tyrol. Austria changed governors in the province of Tyrol pretty shortly after the end of the war, and once again I'll have to recall his name. He spoke good English, he was a governor who had been put in after the surrender and after the Nazi governor had fled, and he took over. I met him and talked to him a little bit about what to expect farther on, and of course much higher officers than I had interviewed him, too, because he was to be a good advisor as to what to expect from Salzburg, whom to see, and everything else. Years later, when he was head of an Austrian ministry, Delphine and I were entertained by him in a nice dinner in Vienna.

We got to Salzburg, and there's where we set up our regional military government. The Russians occupied Vienna, but were not ready to admit us. Conditions in Vienna were very difficult. People were short of food rations, and I don't think the Russians wanted us in while they were trying to clear some things up and while they were preparing the way for what they thought would become a communist Austria. So we settled in Salzburg and, as I say, we knew what to expect, and we established the American Zone with Salzburg as the center. I dealt with the Austrians whom we temporarily approved for regional labor service--that is, with some of them--after all, Colonel Junius Smith was at the head of our division--and we successfully set up shop.

Salzburg was close to Munich, and it had not really seen the ravages of war. It had been spared. It was a historic cultural city. You could walk around at night in Salzburg and hear the playing of pianos, of classical music, almost all over town. It was an odd feeling. The end of this horrible war, and this kind of season of peace.

But our de-Nazification started in. We were rounding up the people who had been the Nazi officials and the Nazi minions. There was a very important camp outside of Salzburg where they were all brought together. Of course we all wanted to have as much of the comforts as we could take away from the previous Nazi regime, and our colonel was delighted that he was able to get the big automobile that had been the German ambassador to Rumania's automobile, and he also got hold of a chauffeur who spoke English and who lived in Vienna and who seemed to know his way about, and so he had a driver, too.

Well, that driver was uncertain about what had happened to his apartment in Vienna. He had been a diamond merchant and had

somehow gotten to Spain to avoid final military service with the German army and had come back. He had been well-to-do, he was well-to-do. He lived in one of two apartments that had an elevator in Vienna. He wanted to know whether there was damage to it and so on, so we sent one of our interpreters to his place, and he gave all kinds of directions, and our interpreter brought back a very interesting picture: there was a fine photograph of an SS meeting in the room, and who appeared out of the picture of these Nazi officers but our fine chauffeur, whom the colonel had somehow gotten out of internment. But he was such a nice fellow, and so cooperative and so on. Naturally, we had to yield him up to the authorities.

Hicke: And drive yourself. [laughter]

Heilbron: Meanwhile we got another driver. But that was kind of an interesting episode.

The de-Nazification went on apace. We were more zealous, I think, than others might have been. Our special services department thought that it would be great for the morale for the liberated country to put on the Salzburg Festival as early as August of the very year of the surrender, and they would do it mostly with Austrian talent. I guess they notified our services throughout Europe so that they would get a good attendance. After all, who had transportation but the armed services of the various countries? And, we would let in the Salzburgers, who usually never get to see the Salzburg Festival. That was its purpose. But in our de-Nazification program and procedure, we found that we had de-Nazified the wind section of the so-called Salzburg Philharmonic. [laughter] The Festival went on, but a little bit lamely in that area. I did attend a couple of the events and it was quite thrilling.

Hicke: You weren't drafted to play?

Heilbron: [laughter] No.

Well, I think we insisted on a minimum of fifteen to sixteen hundred calories per person before we would agree to move into Vienna, but we pressed to get into Vienna; we knew that that was important. We knew what the Russians were trying to do, and one day General Mark Clark called us all together and said, "Gentlemen, we are about to move into Vienna, and I'm here to find out just what our procedure will be. My plan is to have it happen in ten days." And there was a little quiet, and then the food officer for the civilian/military government, a man who had come from IBM [International Business Machines Corporation], spoke up and said, "Well, general, you know we have our food

requirements and our food problems. I know where all the things are. I believe transportation is available, but we can't do it in ten days."

This was like the shot at Concord. This was revolution against General Clark. You just didn't say no to General Clark. He asked some penetrating questions and the IBM man's position was simply this: "General, I came over here and I am just a civilian in uniform," he said, "if anybody can get this stuff into Vienna, send me home and take him, because I can't do it. I can tell you what I can do, but I can't do that, even if you ordered me and I tried to do everything you wanted me to do." The general stopped for a moment and he said, "How long will it take?" And the IBM man said, "Thirty days," and Clark said, "In thirty days we will be in Vienna."

Clark was a very military type of man. An order was an order. He was personally courageous--you may remember he went in on a submarine to North Africa and arranged the campaign for the invasion of North Africa, talking with the French who were the free French, and he led the very hard battles of Salerno and up the whole of Italy, and it was tough fighting. But when the war was over, he recognized it had become primarily a civilian situation and problem, and he gave the military government the right to order his military around to carry out military government orders.

Hicke: He gave the civilians?

Heilbron: No, we were all military, but they had to obey what we said, which was an extraordinary thing.

Hicke: You are talking about the military occupation government.

Heilbron: Yes, insofar as they had jurisdiction. I think Clark deserves a great deal of credit for that, and I think illustrative of it was this agreement to defer when he had already made an announcement and had to retract it.

Well, he did move into Vienna, and I remember with our little old Rumanian automobile driven by somebody else, we got to the River Enn and we were crossing into the Soviet Zone. We were met by a border sentry, asking to see our papers, and he asked innumerable questions. He had an envelope, and he was writing down the answers on this envelope: where we were, what we were doing, who we were, where we were going, why we were going, and so on. Our colonel, who had a pretty short fuse anyway, controlled himself pretty well, because we were in the Russian zone, and if we were told to go back it would take days,

and we finally were waved on, and as we crossed that little bridge over the Enn, we looked back and there was this soldier and he took the envelope and he threw it into the river. [laughter] So we got to Vienna.

Occupation of Vienna

[Interview 6, March 11, 1992] ##

Hicke: We're starting out this afternoon with Vienna.

Heilbron: Yes, I think we left our discussion at the point where we were on our way to Vienna, and I made some reference to the fact that for some time the Russians would not let us in because they could not meet their quota of what we thought the minimum food requirements were for Vienna. I believe it was 1,500 calories. The situation, they claimed, was too confused and the facilities were insufficient. Finally we did get under way.

Hicke: When you say, "We got under way"--

Heilbron: We were moved by segments into Vienna, a city that was mostly intact except for the buildings on either side of the Danube canal, which had been used as fortifications by both the Russians and Germans in their final fight for Vienna and for some important buildings.

Hicke: Wasn't the Opera House destroyed?

Heilbron: Pretty much. Other buildings in the more central part of Vienna were also badly damaged, and there was partial damage to some of the churches. But still Vienna was a formidable and beautiful city, not like, for example, Dresden that had been so badly destroyed, or Berlin that was demolished.

Austria, as I mentioned, was to be treated as a liberated country instead of a conquered country, a decision made rather late in the course of the war, a determination that was probably morally questionable but politically wise, because the Nazis in Austria were probably the meanest and the cruelest of the lot. We had many of them cleaning the streets after we arrived, and the Russians had done that before we arrived--doing the dirty work.

Hicke: Nazi prisoners of war?

Heilbron: Well, I'm talking about ex-Nazis or Nazi civilians--party people. A lot of the party vanished into the woodworks.

Still, all of the four powers worked better in Austria than in any other place where they had joint authority.

Hicke: You mean there was cooperation?

Heilbron: In the matter of cooperation. There was a famous four-power police jeep, a jeep which included a representative from the four occupying powers. Their jurisdiction was the international zone of Vienna. Vienna had been divided into four zones of occupation--of control. Roughly speaking, the Americans had the northern zone, the Russians had the eastern part of the city, the French had the southern, and the British the western. That is probably a little rough as to direction, but that gives you the principle, anyway. The international zone was--I think the Opera House was in that zone, as were other of the national buildings. In any event, it was that zone that was patrolled by the four-power jeep.

Hicke: There was one jeep that just drove around this area?

Heilbron: Well, I think there were more than one jeep, but that was the character of the program. And it kept pretty good order and they did not have fights among themselves, so that was good for the police.

I mentioned the different sectors of Vienna. The British had the area that had the palaces and many of the museums and fine buildings. The Russians had the more industrial parts of the city and the Hotel Imperial. The Americans had the office buildings with the steam heat, and the French had pretty much what was left. [laughter]

Hicke: I hope there was a winery or two there for them.

Heilbron: They had a pleasant part of town near the shops. We had a part of what might be deemed to be the more central area and the good residence area, which was fortunate for those of us who occupied one of the homes there.

Major [Arthur] Cladek, who was an architect and who had been called over toward the end of the war, and I took a home. We were allowed to tell the people who owned it to leave, but it was a fairly large house, and we told them that they could remain. They occupied the top floor. They did vacate the main bedroom areas, and of course everybody had the use of the living room and the library. It was a pleasant house and we enjoyed

our stay there. The owner of the house had been counsel to the old Austrian government and he was a man of some consequence, but he had been a Christian Democrat Dolfus supporter and he was out of any important relationship during the period of the Nazi control.

We had some administrative difficulties regarding the time the segments could confer with one another. I'm talking about the four occupying powers. Our period was the usual time of day that business was conducted in the United States. The Russians, however, did all of their work at night and were rarely able to work or contact you until late in the morning. The British had an extended tea period. And the French, I can't give you the French timetable, but I recall that it was only an hour and a half per day when we were sure we could get everybody to discuss a matter, except at times of formal meetings. Indeed, we alternated in accommodating in our respective sectors the biweekly meetings that our committee had. They were bi-weekly and then they got to be monthly. The favorite Russian time was ten o'clock in the morning where they had what amounted to dinner, because they had a huge spread of everything that was good at the Hotel Imperial. Whatever the food situation at home was, the spread was a regular banquet at ten o'clock in the morning, when none of us felt like enjoying it.

Hicke: Left the caviar just sitting right there on the table?

Heilbron: It was almost that bad.

At the bottom of this list of governmental supervision were the poor Austrians whose country we were helping to rehabilitate. The ministries were gradually filled with people from the old, pre-Nazi regime. We wouldn't take people with any kind of Nazi qualifications or Nazi authority for any important position.

Our minister came out of a concentration camp--he was not Jewish, but he had been a Social Democrat--by the name of Maisel, and he could not appear at our first meeting. He had four or five teeth knocked out and he had to have a lot of dental work done before he could assume his official duties. And when he was all together, they had a kind of welcoming dinner for him in a famous Viennese restaurant called the Four Hussars. It was about two blocks down a dark street from the Hotel Imperial, which was the Russian headquarters, and it was opened up just for the night and then closed again. But it was very interesting to see these people who had been ousted during the Nazi regime enthusiastically get together.

Hicke: Can you tell me what his actual title was?

Heilbron: He became the minister of Social Administration, a department that included labor, housing, and social security in our terms. He was more or less supervised by the vice president of Austria, a man by the name of Boehm, with whom we had dealings on the most important matters, as well as with the ministry.

Now the administrative structure of Austria was divided into segments, just like our government is divided, and our committee dealt simply with the area of the jurisdiction of this ministry.

Some of the issues we had to deal with were obviously wages--we put a cap on wages as there was on prices--and one of the questions was, could Austrian workers strike after their liberalization? We had developed a policy before entering Austria, and it was true during military government in Italy, that you could not strike the government at these difficult, provisional times. You had to begin to hold the country together before certain of these economic freedoms could be recognized. This was a US policy proposal, and it was adopted, and of course the Russians enthusiastically confirmed it.

There was a large problem in connection with the social insurance questions: pensions and health and welfare. After all, the Germans had taken over the entire Austrian government through their *anschlüss* and had taken over all of the assets of the Austrian system. I had the idea that the least we could do was to get our American military government in Germany to cede an appropriate portion of assets to finance, at the beginning, the rehabilitation of the Austrian social security system.

Hicke: Did you have the records to deal with this?

Heilbron: Well, the records were there of all of the benefits owing and all that. But our Control Commission in Germany said, "There aren't any assets for anybody. You just have to begin all over again on a kind of pay-as-you-go system." The records were there, the accounts were there, but they had to be fed by taxes on wages and how the old system was financed. In effect, we have a kind of pay-as-you-go system in the United States, too. So it was a difficult thing to reestablish, but it had to be established separately and independently, and just covering the Austrians.

Hicke: Was there a lot of protest from the Austrians?

Heilbron: No, the Austrians were very pleased to have some scope of independence. Here they had their own system and they could work it out. It was a tremendous job of programming, and I'll come to that perhaps in a few minutes, because the Austrians had to reissue a whole vast set of regulations on benefits, and in their terms, and it was not easy. But it was reestablished, at least the beginnings were made during the period when I was there.

Housing, of course, was a problem. The housing available had been damaged, particularly in the poorer sections of Vienna, by the fighting, and a lot of people from the hinterland had come into Vienna during the war. There were two, quite different, views with respect to how housing should be measured and benefits allocated. The Russians simply took square meters and said, "You have a family, you put a cloth partition between," and they just took the rooms and divided them up according to space.

The Western segments felt that you divided it by rooms, and you had an arrangement whereby certain areas, like the bathroom and kitchen, were available for common use. But the Russians would tell us they had this problem and they knew how to deal with it and this may be new for us, but when we get into a situation of rationing housing, you have to do it their way. But they finally concurred, as far as I recall, to adopting the room system that we insisted upon for our three zones. How much they actually implemented it, I never knew, nor did, I think, anybody else in our committee.

Hicke: That's one thing I wanted to straighten out. Your minister was in charge of all of Austria?

Heilbron: Yes.

Hicke: But in Vienna--

Heilbron: They had their own--

Hicke: The Russians could do as they pleased?

Heilbron: No, no. The ministry dealt with policies for all of Austria, but the civic part of the government was of the city of Vienna, but insofar as the implementation of policy was concerned, they were controlled by the various zones, that is, the supervision of how things were carried out. Now the whole purpose of the four powers getting together was that the policy should be joint, and as I say, if the housing policy was joint, the question then was how was it carried out?

Hicke: Was it implemented by everybody?

Heilbron: How was it implemented.

Hicke: I see.

Heilbron: I mention this question of implementation because we had that problem in trying to reconstitute production and factories. We had a general supervisory program to see whether the raw materials could be purchased and whether the work force was in place and so on and whether the whole body of sanitation rules was being served. Because after all, even though they were a Nazi regime, there were close regulations of how factories operated and production took place. We wanted to know how things were getting along in the Russian zone: how was production?

We told them, you come to the American zone, and you can see what you want. We made arrangements with, I guess it was the 101st Airborne that controlled Linz, to permit the Russians to come in, but we had a hard time getting reciprocal rights, and I'm sure that went for the city as well as the country as a whole.

One area where I became particularly involved was that of cooperatives. In California, during the Depression, we knew something about cooperatives, the idea that people would gather together and pool their labor and pool whatever finances they had or were given to organize a business and divide the profit. The Russians had their cooperatives, too, but they were all state operated. Any kind of profit went, of course, to the state, and that's the kind of cooperative that they wanted to establish in Austria.

Hicke: Did the cooperatives work?

Heilbron: We had no difficulty, as a matter of policy, saying we support the idea of cooperatives, but how they were working was a different matter. So we had a vote in our committee to support, more or less, the cooperatives to which we were used or a Swedish-type cooperative to get things going again, because capital was difficult to assemble, and the cooperative procedure seemed to be as good as any to get things started. When the policy got reworked in the Allied Control Commission, a draft of a resolution was presented that was somewhat ambiguous and obviously could be construed to be state controlled in the Russian zone and not so controlled in the other zones.

Hicke: Purposely written that way?

Heilbron: Yes. So I was asked to sit in to advise General [Mark] Clark on this particular issue and I saw the translation and I told the general that in my opinion this was not something he should vote for and adopt. I explained it. And he immediately understood it and he turned to General Koniev and said, "This will not do, this will not do." And he said, "You go down and draft the resolutions that should be drafted."

Hicke: To you?

Heilbron: Yes, and he says, "And come back in fifteen minutes."

Hicke: Oh, Louis, you're kidding! [laughter]

Heilbron: I'm not. That's exactly what he said. So I went out and thank God for my experience when I had to draft emergency legislation during the Depression and was up in Sacramento for the Relief Administration. It wasn't too long a resolution. I came back and it got translated and--. Koniev wasn't terribly interested in the problem. This was a minor thing as far as he was concerned. He wanted some things with General Clark, and so they agreed. They agreed on the draft that I had drawn and so it passed. When our committee then met, afterwards, we had reports of what had occurred between meetings, and the resolution as drafted was reported to the committee as approved by the Allied Control Commission, Pigin said, "Hah!" he said, "That's a political decision, a political decision!" and he still opposed the idea.

Hicke: Wait a minute now, I have to ask you, who was Koniev? Was he the Russian representative?

Heilbron: Koniev was one of the great generals in World War II. He was Clark's opposite. The Control council members were General Clark for the Americans, General Koniev for the Soviets; I can't recall the names of the French and the British.

Hicke: That's okay. I just really needed to know which side he was on.

Heilbron: Yes.

We all agreed that there must be de-Nazification, and the Americans were quite sincere about it. And it went down to lower levels of administration to cleanse, in other words, the administration. The Russians were [pause] effective in that area also, but the Russians had a little different program than we had.

That brings me to a little discussion about the climate in which we worked at the beginning of our occupation of Vienna. There was more cooperation, as I have indicated, than perhaps in any other area in Europe. There was civility in relationships for the most part, on the policy side. But at operative levels, there was a great deal of suspicion and distrust, and with reason. I remember going down for some purpose to one of the railway stations in Vienna, and seeing trains on their way east with flat cars loaded with bicycles and appliances and--

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Heilbron: --liberated furniture; anything that could be taken. And they went eastward, and that meant that they were spoils of war sent into the Soviet Union.

The second aspect of this climate--

Hicke: Could you do anything about that?

Heilbron: Well, the answers would be that property was abandoned, the buildings were destroyed, they were owned by Nazis. There was an answer if you asked a question, but we knew that it was pretty much liberated property.

Then there was the support of the communist party by the Soviet occupiers. Now you may remember that I said that it took them some time to let us in. In the meantime, they were strengthening, as best they could, the communist party elements that had remained in Austria and had been evident to some minor extent prior to the war. Now, when we first got into Vienna, the energy facilities were sparse, and there were blackouts every night for the most part, but there were about five or six points of light that you could see in the evening. All over Vienna, if you got into a little higher part of town, you could see these points of light. They were the communist headquarters--the only places that were permitted to have light.

Now, I really don't recall where these points of light were located. They obviously were generously distributed in the Russian zone; I don't see how they could be in the other zones, but they were there, wherever the population could be reached. And the Russian attitude in our committee as well as in other of the departmental segmental committees was, "Let's not try to do much policy work. We'll be out of here in September. The elections for the provisional government are going to be held in September, and they'll elect their government and there is nothing for us to do; we'll get out," because they expected a

huge communist popular vote and they, in one way or another, supported a strong campaign for that vote.

The election was held in September, and the communists won exactly the proportion that they had before the war: 4 percent of the vote. And at the first meeting we held after that, I recall Pigin's opening remarks: "It looks like we're going to be here for a long time."

There was change. Now, one of the ways that life was made a little difficult for us as responsible military governors but pleasant for many of our soldiers and unpleasant for our taxpayers was the way the currency was distributed and used to buy goods. We replaced the currency with occupation currency, and the Austrian banks, I believe, were in control of the printing of the currency, but the Russians, I recall, had one--I don't know whether they had one printing plant or not--but they had a great deal of currency, and I think that they had one printing plant for currency.

Hicke: Was this scrip or was it real money?

Heilbron: Well, it was redeemable currency. Quite redeemable. Now, the Russian soldiers didn't have much idea of what this currency really involved in the way of value or purchasing power, but the American soldiers were much more conscious of it. If they sold cigarettes or wristwatches or other things that they could get from the PX to their Russian counterparts, they made a very handsome profit. But it was permitted, when you left the country, to turn in your currency for American dollars at the established rate. So a lot of our people went home with a good many American dollars, but they must come, after all, from the taxes on the American people. So that's why I described it as being pleasant for some and unpleasant for others.

Hicke: A little addition to the G.I. Bill--they had extra money to go back to school with?

Heilbron: That's right, that's right.

Now, we had a professor of economics from Harvard running the financial segment of the American element of the military government; the Allied Control government. He was not particularly a soldiery type. He was a professor in a uniform. But he knew finances. And they were changing the kind of bills that were designed to be printed as Austrian currency. We were finally getting to the point where the government would have its own currency, and the National Bank of Austria was in charge of

printing it. At least the government was furnishing the currency to the National Bank for distribution.

The Russians--Soviets--gave an order to the bank to turn over the plates to them for the printing of the currency. Arthur Marget knew that Austria probably would never recover from what would happen if the currency were printed and distributed in an inflationary manner. So he heard this from the Austrian bank, and the order was peremptory--right away! They deferred answer, saying that they did have to report the demand to the Americans, so that's how Marget found out about it.

He went to General Clark's headquarters shortly after lunch and the military aides guarding the general's quarters said that he could not see the general at that time because the general was taking his afternoon nap--a short nap. Marget said, "Nap or no nap," he said, "this is very important; I must see him." The officer said, "Colonel," he was a lieutenant colonel, I think, or maybe a full one, I don't know, "we don't allow this for anybody, and this is the general's orders." But Marget strides right into the room. The general was not quite asleep, and the colonel taps him on the shoulder and General Clark says, "Why Arthur, what brings you here?" [laughter] And he told him.

He just got right up and grabbed a phone to call Koniev and said, "This is not going to be done!" And there was apparently an understanding, and so this Harvard professor, in my opinion, saved the finances of Austria. Clark's response was similar to the response he had given to the IBM person in Salzburg. When he stopped being a general in war, he was an administrator in peace and knew when to follow his civilian advisors.

Hicke: The whole economy would have deteriorated considerably.

Heilbron: Well, it would have, certainly.

I think I told you that at the beginning, commodities that were scarce determined a good deal of the personal economy. It was a cigarette economy at one level. Did I tell you how angry we were when our German military government counterparts came on leave to Salzburg and gave two packs for things that we were only giving one pack for? It almost <u>really</u> wrecked the economy!

Now with respect to our committee and our procedure within our labor committee--

Hicke: What was the full name of this committee? Do we have a proper name?

Heilbron: I think it would be the Four-Party Labor Committee under the Allied Control Commission.

Hicke: Okay. Thank you. Sorry to interrupt you there.

Heilbron: Pigin was a bureaucrat with communist rules of behavior, but he was interested in applying these rules. He was not contentious, he was honest within the limits of his understanding of what an appropriate government should be, and that would be a communist government. Mr. Iley, of the British, was a diplomat. He always was able to draft proposals or articulate them in a very soft way and was quite effective, but he also knew when to dodge a problem and yet have it achieved. I remember that no-strike policy against government, which I mentioned before, when we first proposed it, he said, "Well, you know," he said, "I shawnt [with British accent] object to it, but you know I'm part of a Labor government and I can't quite agree to it."

The American, Colonel Junius Smith, for whom I was deputy, was a tall, spare, sharp-tongued man, somewhat contentious, rather hostile to the idea that there could be such an ideology as communism, and willing to get into heated arguments. He was a very warm-hearted person. I remember that when we were in Salzburg, we took a side trip to Munich, and we went to Dachau.

The whole debris of the camp was there. It was a terrible sight. Afterwards we went back to Munich, and we saw the unedited movies that the armies had taken of the liberation of several concentration camps, including Dachau, of the skeletal surviving prisoners, the skeletal dead prisoners, of the impossible living quarters, of the ovens. It was hard to witness. They also showed how the camp was organized in a picture with the whole design of the camp. When it was through, all of us, not only those from Austria but there were a whole group of officers visiting Munich at the time and saw this picture, responded with a long period of absolute silence.

Later Smith asked me what I thought affected me most in the picture, and I indicated it was the somewhat familiar picture of the children playing with bones for toys. He said, "You know what was the most emotional thing for me? It was that engineering design. There weren't any people in it. There was an absolute mechanical design to kill thousands upon thousands of people." He said, "That, to me, was the worst part of that picture." That indicates the kind of man he was. And I thought he was quite right.

The French representative was an admiral, and he was a soft-spoken man, soft and briefly spoken, quite logical, as the

French are, but he did not take the initiative in practically any of the policy matters, as I recall. My own job was to be deputy to Smith, but during the fall, he left for an extended leave to the United States, and I took over the American chairmanship apot for a good part of the remaining time that I was in Vienna.

I learned a few things as chairman and helped a little bit. The chair put matters up to vote upon, and the custom was to call on the British and the French and the United States, and lastly the Soviets. This usually began with three votes for or against the proposal, as you might expect, and the Russians felt hedged in. Instead of it being a benefit to say, "Now, you'd better go along," it undoubtedly helped to fortify the resistance.

Hicke: Backed them up against the wall?

Heilbron: Backed them up against the wall. So when I was chairman, I reversed the order and called upon them first. And it helped. I frankly talked about this with Pigin, and said, "I don't even have to call on you first. I'll vary it. But I'll never call on you last."

Hicke: What was his response?

Heilbron: Oh, his response was, "Thank you. It made no difference anyway." He couldn't admit that it made any difference, but it did make a difference, I think.

Hicke: Could I just ask were you all of more or less equal rank, or was that ever a problem or an issue?

Heilbron: Well, it was not a problem. I was a major, the colonel was our chief in charge; of course he was a colonel.

Hicke: A full colonel?

Heilbron: A full colonel. The British sent a person from their ministry, one of the top bureaucrats from the labor department of the British government, and the French sent an admiral. But it didn't make any difference. It was the authority which you had, and I had never felt any trouble on that account.

I also said that as long as I would be in the chair, whatever disagreements we had during the course of the meeting, we would not adjourn unless it was on a note of agreement. I didn't care if it was an agreement that it was a good sunset, but I said that should be the way we adjourn so that we could

open the next meeting with understanding and a feeling of cooperation. And while it was a very minor thing that really didn't have too much substance to it, I think it had some good effect on the feelings within the group.

Hicke: You were already practicing the art of negotiation?

Heilbron: Well, that's where I learned a great deal of it, I suppose. I think that I was able to contribute something, because my experience with government during the thirties taught me the difference between policy and administrative detail. The tendency of almost any policy group, whether it's a board of trustees or a committee of this character, is to get interested in detail and try to shape the way things should be done and who should do it and so on, and that gets you into all kinds of unnecessary trouble. So I think that that was some little contribution to our procedure. And, of course, I think we all, when it was possible, sought consensus. I tried to make a particular effort to be on relatively decent terms with Mr. Pigin, because that, I knew, was where we would have problems. The Soviet representatives usually refused any kind of social relationships whatever.

Hicke: I was wondering about that.

Heilbron: You couldn't get to them. And it was reinforced by an experience that we had at a social event at the beginning for not only the leaders of the committee, but all of the staffs got together. The Russian girls asked our representatives how much their pay was in the United States and they couldn't believe it when they heard it. That made the rounds of the Russian staff and those social events were curtailed and then ceased.

So I asked Pigin whether he would come over to the Hotel Bristol, where our chief mess was held in Austria, and he said he would. I said, "Now please be sure to come, because I want to get a good interpreter," and he did arrive on time, and I had General Clark's interpreter, who was marvelous. He could take three or four people in a conversation, speaking different languages, and translated so quickly that you had the impression that you were actually talking with the person. And he interpreted for us at dinner.

I asked familiar things about Pigin's family and what he did in the Soviets, how he had operated before the war, where he went to school, that kind of thing. And he was pretty frank on policy questions, too, more frank than we would have reason to expect. I told you how he characterized his own general's determination as political in that cooperative affair, and he

was somewhat frank in that way as to what the best communist course should be, not what the compromise should be. Clark's interpreter told me that he was the brightest Russian he had met.

[tape interruption]

Hicke: You know what we're talking about it here is really the sort of mini-roots of the Cold War.

Heilbron: I'm coming to that.

Hicke: Oh, okay.

Heilbron: By the time that I left, in February of 1946, Austria was settling down to a decade of reconstruction and revival. The Christian Democrats and the Social Democrats had come together in a cooperative government, sharing the ministries, and our state department was taking up more and more of the military supervisory functions. The Austrian ministries and the economic infrastructure was slowly being rebuilt, and they were beginning to get on the road to the independence that they achieved in 1955. But the Cold War was underway.

I had come from a relatively earnest effort at consensus and cooperation in Vienna. But when I came home with a group of military officers who had served in combat and were also going home and who had had some dealings with Russian soldiers who came into their zone, they expressed a feeling that it wouldn't be long before they'd have to come back and fight these fellows. They had a feeling that war would be inevitable, that the Russians had planned to take over Europe and--

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Heilbron: For the most part, they were insulated in the American zone. They didn't have the interchange that we had in Vienna. I don't know where all of their thoughts and ideas came from, but even the chaplain of this group that came with us on the way home felt that there couldn't be reconciliation with people like that. By the time I got out of Europe, I felt that I was almost escaping something that was going to happen. Not in a matter of years.

Now, of course, this was personal experience derived from a small contact group, but I came back on a victory ship, and there were a lot of people on that ship, and I spoke with some of the officers, and they seemed to share this attitude. It had

to be derived, partly, from--. Well, it may have been derived from some direct experiences.

Also, the Americans and the Soviets in Germany had a far different experience than we had in Austria. They were in an occupied country, and the aspirations for the domination of Germany by the Russians and the attitude that Germany would have to be held down and almost not be allowed to recover was deeply felt by the Soviets, who had suffered a lot from the war. So that the disagreements in the Allied Control Commission in Germany were far more substantial than those in Austria, and I think that that kind of experience was reflected on the ship going home.

Hicke: You've really described a microcosm of what I've read about negotiations between superpowers--this idea of the Russians that it's going to be communist policy or nothing. And it's also interesting to speculate--I wonder if people other than you, a lot of people, approached negotiations with the idea that you did, that we are not going to back the Russians into a corner, we are going to maybe go out of our way a little bit to make sure they are first sometimes, I wonder if that might have been more effective than some of our methods. It's just interesting to speculate how much you set up.

Heilbron: I want to make clear that that was procedural and not substantive.

Hicke: I know, but that approach could make a huge amount of difference, I would think.

Heilbron: Well, it could, I think that was actually done. The maintenance of the Cold War was a kind of cold civil relationship which was perhaps both protected and threatened by the huge arms build-up on both sides.

Hicke: You set up expectations--or expectations were set up just in your little group that the Russians were always going to go against you, so they were last. If those expectations were torn down, as you did--

Heilbron: Well, yes, but that did not necessarily mean that the Soviets were going to always be persuaded to come to our position. It simply meant that the discussion would not proceed with hostility and if consensus was going to be achieved, it could be achieved with the minimum of rancor.

Hicke: I think that could have been crucial in some other situations.

Heilbron: Now, interestingly enough, the International Labor Organization held a meeting in San Francisco in 1947, the year after I came home, and the very people that I had been working with came over to that meeting, and we entertained them in our home. David Morse, who had been the chief of the labor program for the American military government in Germany, was now the president of the ILO. So it was an interesting--

[tape interruption]

Hicke: So did anything come out of that?

Heilbron: It was just a pleasant social event. Boehm was here, Maisel was here, and a few others that I had worked with. I remember they were most impressed by the beauty of the city, and one question that one of them asked as we went through the various neighborhoods, and I'm including Richmond and Sunset as well as Pacific Heights and Sea Cliff, was "Where are the workers' homes?" Europe was more used to big block apartments for the working population, of course.

Hicke: Especially in the Eastern European countries.

Heilbron: But Austria was not that kind of a country, and coming from the Viennese, I was surprised to hear that question. We did our best to show the kinds of little homes that people have in those areas. I guess we didn't go far into the Mission District because there wasn't any particular reason for it.

Then when Delphine [Heilbron] and I went to Europe in 1955, we were invited to the Schönbrunn Palace to witness the Declaration of Independence and the signing of the Treaty of Independence by all the powers, which we wanted to go to, but, because of our itinerary, we would have had to miss Venice completely, and we figured that--

Hicke: That was a hard choice.

Heilbron: --we'd rather see Venice than be in the back row witnessing the signing of a treaty. However, we did see the Maisels, he invited us to his home, and Victor Reuther--he's the brother of Walter Reuther--who was in charge of the international section of the CIO, also was visiting Maisel at the time we were getting together. I think we had a little difference of opinion on some management/labor question, but that wasn't very important. [laughter] That wasn't very important.

There would be more to say, I'm sure--much more to say if you developed more of the details, but that, in general, was the experience in Austria.

Hicke: That's quite fascinating. It is very interesting.

[tape interruption]

Return to the U.S.A. and Law Practice[1]

Heilbron: Well, the return to the United States, California, and to home was most welcome. My children were twenty-seven months older, so was I, and so was Delphine, and we had a most happy reunion. I think I mentioned that during the period of time that I was in military government training at Yale, we saw *Oklahoma!*, and the first performance that we saw together after my return was at the Opera House and it was *Oklahoma!*

I concentrated full-time with Heller, Ehrman after rejoining it and gave up my consultation with the relief agencies and became a partner in 1948. I devoted a good deal of my time to the development of a labor specialty in which I had had some initiation abroad. On the nonprofit side of affairs, I engaged, during the fifties, in the Public Education Society of San Francisco, a kind of watchdog agency that preceded the San Francisco Education Fund, though not nearly as effective as the Thacher agency.

Hicke: What was the Thacher agency?

Heilbron: Well, that's the San Francisco--she founded the San Francisco Public Education Fund. And I was active in the Congregation Emmanu-el and the Jewish Community Center, where I became president during the fifties, in both of these institutions.[2]

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[1] For Heilbron's legal career, see Chapter IV.

[2] Sectarian, community, and further public services are dealt with in later chapters.

IV HELLER, EHRMAN, WHITE & McAULIFFE LAW FIRM, 1934-PRESENT

Law School: Boalt Hall

[insert from Interview 1: April 25, 1989][1] ##

Hicke: When you were at Boalt School of Law, did you specialize in any kind of law?

Heilbron: No. I suppose that the courses at Boalt were pretty well distributed for the preparation of both the bar and general practice. As previously noted, I did participate in Moot Court and was the co-winner of the competition during my senior year at Berkeley. That might have indicated the life of being a trial lawyer but actually that didn't occur. Most of my practice has been outside of court with clients in business and personal transactions and in labor matters (although some of these involved court or NLRB [National Labor Relations Board] appearances). I did take a course with Barbara Armstrong, who taught labor law. In that day the specialty of labor law was not too well developed; so I suppose I did indicate an interest which became part of my specialized practice much later on.

Hicke: And you graduated in 1931?

Heilbron: That's correct.

Hicke: So you were in law school in the midst of the Depression?

Heilbron: Yes, I entered in '28, and the Depression took a time to develop after the stock market crash in October of the following year, 1929. However, that did not faze me too much. I married while I was in law school, a few days before the stock market crash,

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[1]Interviews conducted for the book *Heller, Ehrman, White & McAuliffe: A Century of Service to Clients and Community*, by Carole Hicke, 1991.

and thus got into the problems of both married life and economic life very quickly.

Hicke: And going to law school besides.

Heilbron: I was in law school during the entire period through mid-1931. During that time I was assistant to the dean of men, and its offices fortunately were just across the way from Boalt Hall at California Hall. So I did have that position during law school.

Hicke: What did that involve?

Heilbron: For the most part, you will recall, that involved taking care of fraternity problems--economic and academic. I believe I told you about these in a previous interview.

Hicke: Okay, well back to law school. What did Barbara Armstrong's course cover? That was quite early before an NLRB action had taken place.

Heilbron: That's true. It's a bit difficult to recollect, but I guess that I can say that a good deal of it was anticipatory, although some of it obviously had to do with ruling case law. California was in the vanguard of states with protective legislation for women and minors, and some of the New Deal did develop from California legislation; so there was a background of law with respect to child labor and minimum hours for women. We had a workmen's compensation law that was established in 1911, I believe. So there were plenty of things to talk about.

Hicke: After you graduated, what did you do?

Heilbron: After I graduated I prepared for the Bar, took Mr. [Bernard] Witkin's course in preparation. Later on, I taught part of Mr. Witkin's course, but first I took it and passed the Bar. After that I sought employment. I applied at Heller, Ehrman, among other places, and I had been recommended to Mr. Ehrman by Monroe Deutsch, who was the provost at the University of California at the time, and before very long I met Mr. Lloyd Dinkelspiel, Sr., who was the partner in charge of hiring new associates. There was no place at that time, but I was promised that when the first vacancy developed, I would be contacted and given a chance to become associated with the firm.

So to summarize some previous remarks, I became one of the staff of the State Department of Social Welfare with the interesting project of consolidating and rewriting the indigent laws of the state, and this was a time when the attitude toward needy people, particularly able-bodied unemployed, was changing,

and private agencies throughout the state were overburdened with the new problem of the unemployed in the Depression.

Hicke: How long did you say you worked for the State Department of Social Welfare?

Heilbron: I was there during 1932 and in 1933--most of that year was with the State Emergency Relief Administration. By September of that year, Heller, Ehrman contacted me, and I had to decide whether I was going to continue in government or whether I was going to be active in the profession for which I had been educated, and I did accept the offer, but remained to the end of the year with the Relief Administration in order to finish up some of the work we were doing.

Joining Heller, Ehrman, White & McAuliffe, 1934

Hicke: Why did you choose Heller, Ehrman?

Heilbron: Actually, I had been to several other law firms. I knew Mr. Dinkelspiel, Sr. Heller, Ehrman had a splendid reputation in San Francisco. Small as it was, it stood among the larger firms in San Francisco, and I was the thirteenth person in the firm; so you can see that all firms were scaled down, compared to what they are today [chuckles]. I did have an opportunity with another firm at that time, but there never was any question in my mind; when Heller, Ehrman took a person in during those days, it practically spelled a lifetime career; so I didn't entertain any doubts.

Hicke: Can you elaborate a little bit on the reputation of the firm? What was it well known for?

Heilbron: Well, you know, you didn't enter a firm because you investigated what it was known for. You knew it practiced civil law, it had a fine reputation, its people were in the community, you knew them from the community, and so I don't think you entered for a specific purpose. You were going to do everything, once you got there, as all the other attorneys were doing at that time. You didn't think particularly whether you were going to go into litigation or were going to go into probate, for example. I suppose that the known connection between the firm and the Wells Fargo Bank was of interest, because it obviously meant that a good deal of legal work would be generated by that relationship.

Hicke: And that a very important bank had a lot of confidence in the firm?

Heilbron: Yes, that would be true. And I would like to say that a positive factor attracting me to Heller, Ehrman was its reputation for being an open, friendly firm. From its first partnership, it drew no sectarian lines and was the first firm in the city, I believe, to make a conscious effort to include members of the three Western faiths in fairly even numbers in the firm, and that was known and that did have an interest and attraction for me, as I imagine it did have for others.

Hicke: That's a very important characteristic.

Heilbron: Yes.

Hicke: Can you recall who called you and actually asked you to come to work?

Heilbron: Yes, Mr. Dinkelspiel.

Hicke: And did he tell you to start the first Monday of the year or some such thing?

Heilbron: No, he asked if I could come September 1, and Mr. R. C. Branion, who was the director of unemployment relief at the time, asked if it would be possible for me to remain for the closing three months of the year because of the immense burdens then being placed on the Relief Administration. I was the principal contact with Washington at the time, drafting the requests for additional funding, almost from month to month, and I think Mr. Branion felt that it would be helpful if I could remain until the end of the year.

Hicke: Was the pay comparable to what you were receiving--the pay offered by the firm?

Heilbron: It was a little more than half of what I was receiving.

Hicke: I wondered. Do you remember how much it was?

Heilbron: Yes, I remember that I got $175 a month when I came to Heller, Ehrman, and I was getting $300 even during that time of Depression. But I decided that it was a lifetime career I was embarking upon and that if I remained with the government, I was going to stay with government and try to climb the administrative ladder. I will say that the firm was very reasonable about my continuing to advise the Relief Administration, and I became a part-time advisor of the Relief

LOUIS H. HEILBRON

Louis H. Heilbron was born in Newark, New Jersey, May 12, 1907. The son of Simon L. and Flora (Karp).

Received his A.B. degree in 1928 and LL.B. degree in 1931 from the University of California. Admitted to the bar in California, October, 1931.

Mr. Heilbron is a member of the firm of Heller, Ehrman, White and McAuliffe.

He is a member of the San Francisco Bar Association, and State Bar of California.

He is married and has two children.

Residence is in San Francisco, California.

Offices: 14 Montgomery Street, San Francisco, California.

Administration and the Department of Social Welfare, and WPA, during the thirties and that service yielded supplemental earnings.

Hicke: Do you have the date of your employment--the first day?

Heilbron: Yes, January 1, 1934. I completed 1933 with the Relief Administration and then went to work as of January 1.

Hicke: But you didn't necessarily start on New Year's Day?

Heilbron: Oh, no. The first work day was January 2.

Early Days

Hicke: Well, on whatever day you did start, what happened when you walked in the door?

Heilbron: I went to Mr. Dinkelspiel's office and he saw to it that I got an office.

Hicke: You had an office to yourself?

Heilbron: Well, that's a good point. It wasn't really an office. It was the library annex that was part of the premises at 14 Montgomery Street. 14 Montgomery Street was the Wells Fargo Bank Building, and the bank occupied all of the floors except the seventh, which Heller, Ehrman occupied. There was a library, a main library, on that floor, and then also at one end bordering a kind of grubby court was the library annex. That was filled with old English reports, old American reports, and me. And the traffic was light because of the nature of those legal resources.

Hicke: A bit dusty, maybe?

Heilbron: I suppose it was. Its window, as I said, looked out on a court that was located between the Hobart Building and 14 Montgomery Street. Things were rather quiet there, but sometimes there was activity. Once I looked out through the window and down came a falling body, which crashed through the glass roof of a luggage shop all the way to the first floor below. A suicide. This was not--this was unusual but not unique in those days. People jumped from buildings, and Montgomery Street was--I wouldn't say perilous, but it was hazardous. [laughter] So that, early on, was one experience with the Depression.

Hicke: You really did get a firsthand experience of it.

Heilbron: About that first day, the annex was where I was taken, and then I went into the main library. I was introduced to the other associates.

Hicke: Was there a librarian?

Heilbron: No, we didn't have a librarian. We did our own research, and I'm trying to think if one of the chief secretaries had any library responsibilities, but I don't believe so. We went to the library to do all our own research. Of course, legal research was very familiar by reason of law school training, so that wasn't too much of a problem.

Hicke: So you met all of the other--

Heilbron: I met all the others, including one of the older associates, Albert Monaco, who was, perhaps, the scholar associate of the office at the time, and he enjoyed asking questions of his associates. He would usually begin his question by saying: "Sharkey, what about this situation?" And in a more restrained way, he asked me a rather complex question. I can't remember what it was, but I certainly knew that I didn't have the answer. But he kept on talking and gave about two or three solutions to the question that he himself asked, and I latched onto one of them, and he thought that I was pretty competent. [laughter]

Hicke: That's wonderful. Was that the first day?

Heilbron: The first day, and I got my feet wet right away.

Hicke: Yes. Did somebody take you to lunch or what did you do for lunch?

Heilbron: I really can't remember. The associates did go out for lunch together, and I am sure I was provided for on that day. I think that one wants to get adjusted quickly, you know. There is a great story of Earl Warren. He had not been a judge before he was appointed Chief Justice. He went back to Washington, and on the first day of his becoming active as Chief Justice, he went through the black curtain and called the calendar, and you'd think he'd been there for ten years, according to people who were present at that time.

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Heilbron: Of course, joining a law firm on the first day is hardly the same [laughter] as having a first day as Chief Justice. I

merely mean that one can become adjusted rather speedily if you know that's your job.

Hicke: Well, what was dropped in your lap when you first started?

Heilbron: I can recall the kinds of problems that we dealt with in those days. But I can't tell you what was assigned the first day. I do have a recollection, however, that I immediately got a problem from Mr. Dinkelspiel, because that obviously was going to be a question: what's this associate going to do?

I got a legal problem for research from Mr. Dinkelspiel, and others followed. I was introduced to all of the senior partners, all of that ceremony took place right away.

Now with respect to the kinds of things that we did in those days: I mentioned to you that we did everything that we were assigned. First of all, there was routine bank business. Unfortunately, during the Depression, even after making allowances for hard times for people in trouble, the bank engaged in a number of foreclosures, and that was a problem. Many small businesses and people faced bankruptcy, and we appeared before the bankruptcy referee.

The New Deal spawned alphabet agencies, although a new set came into being much later, but the big agencies that are more or less historic came into being at that time, the National Labor Relations Board, the Agricultural Adjustment Board, the NRA, I think it was called the National Industrial Recovery Act. It had a relatively short period of life, but it certainly stirred things up while it applied; businesses adopted codes of fair competition, and we did have assignments to work on for our clients who were engaged in developing a code for their business.

There was some experience in litigation, and it was like being thrown into the swimming pool: whether you had learned to swim before or not, you were going to swim if you were going to get to the other end of the pool. [laughs]

Hillside Support Case

Hicke: Can you give me any examples?

Heilbron: Yes, I'll give you one or two examples. I remember having a lateral support case, that is, on a hillside lot, the lower

hillside supports the upper side, and you shouldn't do anything on that hillside which causes a spillover. And, by the same token, the upper hillside shouldn't so overburden his part of the hill that it falls on your parcel.

Somehow, I think through the bank, I represented a family that had a great deal of earth spill over and ruin the vegetable gardens and flower gardens on their property. They wanted compensation, and they also wanted the upper property owners to pay for a supporting wall to prevent it from recurring. The upper property owners claimed that the lower property owners had done things in watering and also in the way they planted to cause their earth to slip from them, and therefore it was the lower family's fault. And so we went to court, each maintaining his position.

This was a minor case, but the courtroom was filled. I had an Italian family, and the Greek family above was in a feud, practically, with the Italian family. This was in the Mission area, because that's where the hillsides were that were still cultivated to some extent.

After three days of the court being filled and with audience reactions to the testimony, the court summoned me and the other young lawyer gladiator into his chambers and said, "Gentlemen, if I have to decide this case, I'll decide it, but," he said, "it doesn't matter who will win, this is going to be civil war." He said, "You fellows settle this case, because it'll never be settled, even by a decision of the court."

So we settled the case as might be expected on a half-half basis, with our sharing the cost of the embankment that had to be put in, and that was the case that I remembered because it was the first time I was in court.

Hicke: And were the two parties satisfied on those--

Heilbron: I understand that they embraced each other afterwards. [laughs]

Hicke: Really?

Heilbron: And I was invited to go to the celebration. I didn't get there, though.

Hicke: They had a party?

Heilbron: They had a party to celebrate the end, because I think the court admonished them that they should be good neighbors, and they

were fundamentally good people--emotional--but if they could agree on this kind of a settlement, they were happy.

Hicke: Well, that was a wonderful case to get started on. All court cases should end like that.

Heilbron: That's right.

Hicke: That was your first litigation, you say?

Heilbron: That was the first experience, yes.

Hicke: Had you not even accompanied another lawyer for a trial?

Heilbron: No, that was rather interesting. Later on, when I had a personal injury case, I asked Mr. Dinkelspiel if he would come and at least listen to the presentation and the questioning and give me some counsel as to procedure, and he did that, very kindly. But it was not the usual practice. You learned pretty much on your own.

Hicke: How long after you had started did you try this case?

Heilbron: Oh, I would say it was within the first year. But we learned much by accompanying the senior attorneys in more important litigation.

United Airlines Crash

Heilbron: We had a very important case where again I was the associate accompanying Mr. Dinkelspiel, and I did a good deal of the brief writing and trial preparation.

It had to do with a United Airlines plane on a beautiful calm night approaching San Francisco airfield, the airport, and suddenly plummeting into the Bay without reaching the airport. Many people died, even though the water was relatively shallow where the plane landed, but there were a good many deaths by drowning.

There was apparently no explanation. The airline company developed one, through an accident that happened elsewhere, that something, some foreign element, substance, had fallen into a crevice where the stick that controls the elevation was located. But we didn't accept that at all, and we were representing one

of the plaintiffs, that is the widow of one of the plaintiffs who was a prominent attorney in San Francisco.

Hicke: Do you recall who it was?

Heilbron: I think it was a Mr. Butler. I can't remember his first name.

Hicke: Vincent Butler. [killed October 7, 1935]

Heilbron: Yes, Vincent Butler. I remember doing the research, and you know there were very few legal cases involving this kind of accident. I think there were seven or eight in all, since the beginning of commercial air transportation.

But I was satisfied that the doctrine that applied to trains was the doctrine that was going to apply to airplanes, and that is the very well-known, established doctrine of res ipsa loquitur, the act speaks for itself. If the person cannot answer the apparent negligence involved in the act, then he has not met the burden of reply, and since in the case of driving a complex locomotive or an airplane, the only people who know the operation are the skilled people operating the engine or the airplane, if they haven't got an explanation, then they fail to meet the burden of proof and are liable. We obtained a favorable settlement. And to my knowledge, to this day no airplane company has permitted a case to get to the Supreme Court of the United States where the res ipsa loquitur doctrine could be finally established. It has simply been assumed, and the cases are all settled.

Hicke: So that was a watershed case, really.

Heilbron: Well, I suppose so. Of course as I did tell you, there were other cases before us, but this was the largest, I think, commercial passenger accident up to that time.

Choosing the Jury

Hicke: What was it like to go into court the first time, getting back to that other case?

Heilbron: I was scared to death. I remember another case I had. It was against a stock brokerage firm that failed to sell on the order of the client--verbal order of the client. At least that was our claim, and there was a good deal of testimony going to be derived on both sides.

Hicke: Do you remember the name?

Heilbron: I remember the plaintiff was Henry Altshuler, who was a brother-in-law of my wife. But I don't recall the broker. In any event, we sat through the jury selection, and I was associated in this case with another attorney who was not in the office (Henry Robinson), and he was not too experienced either. So we got there to choose the jury, and now and again we objected to a person to be on the jury, and we almost got finished with the jury selection. At the first recess, we then heard from the bailiff, "Do you know what you guys did? You fellows knocked off some of the best plaintiffs' jurors we have around here." [laughter] We were really fortunate: we settled the case, and that was it. [more laughter]

We had removed jurors from the jury box for reasons that we felt were prejudicial to our case; for example, we thought that this business person would lean too much toward the brokerage firm. But evidently the judgment was not as good as it might have been.

Apparently we didn't dismiss them all, because the other side was willing to settle the case. You know, the great bulk of cases get settled, even though many of them are at what we call the courtroom steps. And some [are dismissed] during the early part of a trial, but usually when a trial begins, it continues.

Hicke: Do you aim for a settlement, or do you go by the wishes of the client as to whether he or she wishes to aim for a settlement, or do you prefer a court trial?

Heilbron: Well, it depends on the case. If you have an extraordinarily good case--you'll have to talk to the litigators. You're not talking to a litigator when you're talking to me, although I've had my experiences in court. I'm sure they will tell you that a good deal depends on the case. If you have a rather weak case, you prefer to settle. If you have a strong case and you feel that the offers of settlement are not realistic and that you can do far better by trying the case, you go ahead. Of course, your client's desires are very important. You might recommend settlement and he might refuse, and there are some clients who will not settle under any circumstances. You may recommend; the client decides.

Hicke: Also, in cases you have mentioned, you have always been a plaintiff attorney. Is that a general rule of the firm or--I don't mean rule, but do you generally represent plaintiffs more than defendants, or vice versa?

Heilbron: Oh, no, even in litigation that I had at the beginning I had defendants just as well as plaintiffs. A law firm such as ours, representing many corporations, means defending them in many situations.

Senior Partners and Clients

Hicke: Let's get back to your first days at the firm. I wonder if you could tell me a little bit about all of the senior partners, as much as you can remember.

Heilbron: Of course. Mr. [Emanuel S.] Heller had died in 1926, and there's no one here who can tell you about Mr. Heller from personal contact. Maybe I should say something about him because he was the founder of the firm.

Hicke: And whatever you know or heard would be helpful.

Heilbron: He began practice in 1890, I believe on Sansome Street near Pine. He was, by his portrait, a very handsome man. He soon became the attorney for the Wells Fargo Bank. He had the reputation of being a very precise and careful lawyer. He believed in following the rules of court and practiced very much to the letter. By that I mean if a document was to be notarized it was going to be notarized in front of a notary and not, as some lawyers did for many years--they don't do that much any more--take the signature and then let the notary subscribe later on. If he were in litigation, I don't think he'd grant continuances very easily to the other party who might have requested them.

The story was that if you had a case down in San Jose, you got your train fare and your carfare to the railroad station at Third and Townsend and back and that was it. And if you had to remain in San Jose over lunch, that was on your own. [laughter]

Hicke: Okay.

[tape interruption]

Hicke: We were just starting to talk about Frank Powers.

Heilbron: With respect to Powers, the partnership of Heller & Powers was formed in 1896, and I'll talk about Powers in a moment, after completing comments about Mr. Heller.

It's a little strange to me that in 1898 Heller went off to the Spanish-American War, but he did, and he eventually was a captain in the Quartermaster Department there in the [U.S.] Army. The family legend has it that after he left the army, the auditors of his department found that there was a missing hammer. He offered to pay for it. Apparently, he couldn't account for it. But they didn't want any compensation, they wanted the hammer, and for thirty years he had correspondence with respect to that hammer. One wonders whether perhaps the meticulousness with which he practiced partly was derived from his experience with the army.

May I say that the information that I have received with respect to Mr. Heller comes primarily from two sources: from his daughter-in-law, Ellie Heller, and his grandson, Clary Heller, both of whom are deceased.

He was deeply interested in Californiana and collected paintings and engravings and prints with reference to the history of the city. In the 14 Montgomery Building, our corridors were filled with these lithographs, engravings, and so on. So there is no doubt about that factor.

He was quite civic minded, and it's my understanding that he and two others started the San Francisco Symphony with contributions of $100 each. Apparently money went a lot farther in those days than it does today. I don't know what use was made of that money, whether it was simply to employ a secretary or clerk; I certainly don't believe it employed an orchestra. But, nevertheless, that was the seed.

His son, Ed Heller, introduced Ellie, his prospective bride, to his father, and after the introduction and a kind of family interview and she left, Mr. Heller is reported to have said, "She seems to be a very nice girl, but is she healthy?" And there again is another carefully phrased statement.

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Heilbron: He acquired a good deal of property in Atherton, and I think the city more or less grew around his property and divisions of his property.

Hicke: Do we have his address at a house where he lived?

Heilbron: Well, we do have his address. I don't have it at my desk [98 Faxon Road]. The property remained in the name of the family until his grandson's, Clary's, death. He incorporated Atherton, and indeed he included some disputed land with Menlo Park, but

no litigation ever resulted from that, and Atherton proved to be the lasting beneficiary of it.

He was very much involved in the construction of the new Temple Emanu-El at Arguello and Lake Streets, which was built in 1926, and he was particularly interested in the architecture, which has become rather famous. Clary stated that he loved horses and displayed them in a kind of festival or circus from time to time. The Menlo Park Circus Club may have developed from this kind of celebration.

Hicke: Sort of English riding, jumping, something like that?

Heilbron: Yes, it's a group that was very much interested in riding. I don't know to what extent, if it was simply English riding or otherwise. That's rather unimportant, I think, with respect to this history anyway.

He was a delegate to the Democratic Convention in 1920, which nominated [James M.] Cox and [Franklin D.] Roosevelt for the presidency and vice presidency. In a sense, that has some importance. Mr. Ehrman was a prominent Republican, Mr. Heller was a prominent Democrat, and just as there has been no line drawn on sectarian lines, there has never been a line drawn on any kind of political lines with respect to people who might be interested in the firm or the firm might be interested in them.

Now, do you want to go on with some indication of the other senior members of the firm? What about Mr. Powers?

Hicke: Yes.

Heilbron: Mr. [Francis H.] Powers ceased to be a name partner on his death in 1920, but some things he did have had an effect even to this day. Again I must rely on the memories of others or newspaper accounts.

He appeared an unlikely partner of the somewhat austere Mr. Heller. He was an aggressive trial attorney, wore boots in court, had a temper, was sympathetic in the handling of employees, seemed interested in the results rather than in detail. He was an imaginative real estate operator as well as a lawyer. He bought a considerable amount of property on the edge of Monterey Bay and sold many of the lots to professors, musicians, and artists. Ultimately he incorporated the development--it became the town of Carmel.

His interest in maintaining good personal relations influenced his partners and the practices of the firm. The

precedent of his interest in real estate and real property law has been followed throughout the firm's history. Some of his Carmel clients remained with us for many years.

Regarding Carmel: the story has come down to us and has been frequently retold that Powers laid out the streets of Carmel by employing his own surveyor and giving him as his helper one young Florence McAuliffe. McAuliffe was no expert in this assignment and that is why his help produced streets that are curvy, uneven at the edges--and charming. I stand by the story.

Hicke: So then we come to Mr. Ehrman.

Heilbron: He was the perfect gentleman lawyer. He set the tone for the office. He was the benevolent monarch.

Hicke: Along the way, if you can think of some stories that illustrate some of these things--.

Heilbron: I'll try to. Lloyd Dinkelspiel, Sr., was the Prime Minister, and Florence McAuliffe, the Chief Counselor. Mr. E. dealt with the major matters for the Wells Fargo Bank.

Hicke: This is Mr. Ehrman?

Heilbron: This is Mr. Ehrman. He became the trustee for the Western Pacific Railroad. He had a remarkable memory for California cases. I don't think that there was an important California case whose citation he did not know. And he had a similar recollection of the most important California statutes, so that in a way, he was a library resource.

Hicke: Was he just particularly interested in the California government?

Heilbron: At his time, it was possible for a lawyer who had deep roots in California to know most of these cases. Now, with the vast number of reports, it's really not, I don't think, possible. Maybe Mr. Witkin is an exception. Then, one year of reports could be put in one book; now it takes, even with the Supreme Court, several volumes to record the cases of one year.

Hicke: But also, he was rather unusual--not everybody knew all of the California statutes.

Heilbron: No, I don't say he knew all of the California statutes; I say the major statutes he could locate quite quickly from memory by the year, and the cases he remembered rather well as far as

citations went. He joined the firm some months before the earthquake.

Hicke: Just out of law school?

Heilbron: Oh, no. He was associated with Garret McEnerny and W. S. Goodfellow for several years; he joined Heller and Powers in late 1905. The earthquake/fire occurred in April 1906; the building in which they were located--14 Montgomery--was badly damaged and the firm moved to Mrs. Heller's house--E. S. Heller's house--on Jackson Street, down from Octavia, on the north side of the street. The house still stands. Indeed, if you look at that picture over in the middle of the wall there, that's the house, and you will see three banners at the lower windows. One of them is for the Union Trust Company, at that time a client of the firm. The other is for the Wells Fargo Bank, also a client of the firm, and then the firm name is on the other banner.

Mr. Ehrman describing the conditions of practice at the time when they were in Mrs. Heller's house, to the San Francisco Bar Association once remarked that confidentiality with the clients was a problem, because all of these institutions were on the first floor of the home. So, if you wanted to protect confidentiality, you went into the bathroom and gave to the client the only seat, and there the necessary business was conducted.

He, like Mr. Heller, was very civic minded and generous and a patron of the arts. He was the main financial supporter of Yehudi Menuhin, making possible the advanced musical education of Mr. Menuhin abroad, as a child, and as a young man.

Hicke: That is certainly a contribution to society.

Heilbron: Yes. And he himself was an accomplished violinist and supporter of the city's symphony and opera. He was a regent of the University of California, and in connection with that, I have an untold anecdote about Mr. Ehrman. He was on the board of regents at the time of the loyalty oath controversy. If you will recall, the controversy started out when a modified oath was developed by the administration and adopted by the regents. Later, when the academic senate protested against that oath, President Sproul changed his position and recommended against the modified oath--so called the "Regent's Oath."

Ultimately, that oath was held unconstitutional by the Supreme Court of California. But the oath generally required of employees of the state with reference to loyalty was upheld, and

the faculty was, for the most part, willing to take it. One day I was able to discuss the issue with Mr. Ehrman and asked him what he thought about the situation. He said that he wasn't so concerned about what oath was taken or whether any oath should be required. What he was concerned about was the constitution's protection of the university as a kind of "fourth estate"--that it was constitutionally immune in matters of academic governance, he felt, and it was the power of the institution that he wanted to preserve. In other words, he disagreed with the Supreme Court's determination and felt that it was inconsistent with the original constitutional provision protecting the university. I thought that was a rather intereating position.

Hicke: Yes. The issue itself--the side that he was on would not be normally typical of his philosophy? Am I correct in thinking that? And that is why you questioned him?

Heilbron: Well, yes. He was a Republican, but on the moderate/liberal side. People were surprised, knowing him, that he had taken a position supporting any oath.

Hicke: That's what I wanted to get clear.

Heilbron: He was also a board member of the California Historical Society. He was very much interested in history. His son was an historian; he died at an early age--in his twenties.

Mr. Heller married his wife Clara Hellman in 1899. I don't know when Mr. Ehrman married Florence Hellman, but it may well be that the firm had a relationship with the bank prior to those marriages. I think that's rather important to indicate since the father of both these ladies, Isaias Hellman, was president of the bank.

There again, you had an interesting situation. Clara Heller became an ardent Democrat because her husband was one, and Mrs. Ehrman [her sister], a prominent Republican supporter, and sometimes the frictions that developed caused them to not speak to each other at long intervals.

Yes, Mr. Ehrman was quite generous with reference to firm members in the purchase of homes. He would lend them money for the purchase of a home at 2 percent interest, and let them declare their program of repayment. I know I financed my purchase of a home at the bank, and when he heard about it, he was most distressed, and in order for him not to be distressed, I transferred the loan to him at a great savings in interest.

I think it's well to say that during his active partnership life, no important decision was made with respect to admission to partnership without his consent. There were some very competent lawyers in the early days who felt that they should be partners, and when they announced to him that their time, they felt, had come, he said that if it's a question of their deciding when they were going to be partners, it was unfortunate but they would have to separate.

Hicke: What were the standards for partnership? Do you have any sense of how it was decided?

Heilbron: I would imagine they were partly subjective, because these people were competent people, but I think there was probably an element of undue assertiveness, and maybe evidence of an effort to work a power play and what it might mean to the future of the firm, that affected his judgment. I don't know, obviously.

Now, Jerome White was a bear of a man--big--and he did a good deal of the trial work of the firm in its earlier days. He was interesting to watch. He was persistent in his cross examination of a witness. He had twenty ways of putting a question and finally getting an answer over his opponent lawyer's objection. He was somewhat gruff, sometimes rough on associates with his candor. He purchased a home out in Seacliff just above the waters outside the Golden Gate Bridge, and at seven o'clock in the morning he went swimming every day.

Hicke: Outside the bridge in the ocean?

Heilbron: Yes. This wasn't China Beach, this was even west of China Beach. He went down the stairs to the shore at the very edge of the cliff below. I remember that he became involved in important litigation because one of his clients by the name of Kohn willed him the bulk of his estate. Kohn had a son whom he disinherited, and he made that clear in his will. The son and father didn't get along at all, and there was a good deal of correspondence in which the son vented his anger and discontent and the father vented his, and told him in letters that he was not going to give him anything by way of a legacy.

When the time came to litigate the will contest involving Mr. White, the letters became the most important evidence. The case really depended on the ability of Mr. White to produce the letters at the appropriate time at trial. The letters--that is, the father's letters to the son--were in White's possession, but the son claimed them as his property, because the letters had been addressed to him. So, the son brought an action of replevin, that is to recover the letters.

Mr. White's attorney was Theodore Roche, then one of the great trial lawyers in San Francisco. The opponent was Eugene Bennett of Pillsbury, Madison [& Sutro], also certainly one of the great trial lawyers of San Francisco. Mr. White was also helped by Senator Hiram Johnson, who made his first appearance in court after twenty years of leaving it and being in the United States Senate. There were, of course, assorted assistants to this amazing case that was conducted before a very good judge, Judge Ward.

I went out there carrying the briefcase but most interested to watch the proceedings, because of the ability and status of the lawyers involved. Senator Johnson gave the most eloquent address of all of them when he said that he "had not been in court for over twenty years, Your Honor, but that he knew that there was a time when justice had to be done and called him to the court, and that in all fairness these letters had to be preserved in order that the trial would have a proper course and a just result." The judge finally impounded the letters for purposes of the trial, and the case then was over, because the son knew that he would not have any chance if the letters were available to the court.

Hicke: That's interesting procedure.

Heilbron: I might add that some observers did not understand why the court could not release the letters under order that they would have to be produced on subpoena at the trial. Whether that was part of the argument of the other side, I can't recall, but in any event, the case took the course that I have indicated.

Hicke: Was Senator Johnson acquainted with Mr. White?

Heilbron: Yes. But Senator Johnson was, I believe, an absent or former member of the Roche firm, and probably that's how he got brought into the proceedings.

Now we can go into Florence McAuliffe.

Hicke: Yes, let's proceed.

Heilbron: McAuliffe was a barrel-chested Irishman, and if Ehrman was the aristocrat, McAuliffe came up from the ranks of office boy. He was not a learned lawyer, and probably in these days of recruitment from the top law schools of students who are in the top of their class, may not have been recruited if it had been his misfortune to have belonged to a later generation. He nevertheless was a good lawyer. He was immensely practical. He

was an excellent judge of human nature. He could foretell the results of litigation just by knowing who the judge was.

He was a moving legal figure in the building of the San Francisco Bay Bridge [completed 1936]. In fact--I'm assuming the building of the bridge was inevitable--it might have been ten years longer in the building if it weren't for his persistence with the RFC and the Congress and the legislature.

Financing it and paving the way through authorization for eminent domain were very important matters. The south was not too anthusiastic, although they got a bargain for their assistance with the bridge.

Remember, I was up in the legislature on the day that this bargain was resolved. The San Francisco delegation was a little slow in being willing to put the state's credit back of relief for five southern California counties. So the Los Angeles group said, "Well, if you don't feel that the relief of our counties is important to the state, then we have some reservations about the importance of that bridge that you want to build." So relief was exchanged for condemnation.

Hicke: It must have been interesting for you wanting both things.

Heilbron: It was fascinating.

Hicke: Do you recall who was in the San Francisco delegation?

Heilbron: I believe Joe Feigenbaum was the leader. I can't recall the others.

Hicke: I'm wondering also who retained Mr. McAuliffe. Was there a Bay Bridge Company?

Heilbron: Mr. Purcell was the Chief Engineer of the San Francisco/Oakland Bridge and a very good friend of McAuliffe. He was retained by either the State Department of Public Works or the agency that was formed as the California Toll Bridge Authority. And when I say that McAuliffe's persistence resulted in the financing--that's true, but Purcell's equal determination and skill were involved.

I believe that McAuliffe was also the lawyer selected by the Golden Gate Bridge District with respect to the bridge that was building over the Golden Gate, but he gave most of that function over to Jerome White.

Hicke: Mr. [Don] Falconer of your firm indicated that he was looking at both of them.

Heilbron: That's correct, but I think he devoted so much time to the San Francisco/Oakland Bridge that he gave much of the work to White.

Hicke: That's interesting. The firm handled both of those.

Heilbron: Both of those rather important matters for the Bay Area.

Hicke: What was the connection with the Golden Gate Bridge building? Did he know the engineer? I can't remember his name.

Heilbron: [Joseph] Strauss. I don't know that connection.

To get back to McAuliffe, he served as president of the Bar Association of San Francisco and as president of the State Bar [Association of California]. He was a conservative man in his politics, in his view of what government should and should not do with reference to welfare and the state. Personally he was absolutely liberal and generous to a fault. He was a bachelor. He educated his nieces and nephews and many of them went to college on the basis of his support.

I had one very interesting experience with McAuliffe. I was asked by Governor Culbert Olson to draft a work relief bill. Olson believed--and I guess this was toward the latter part of the Depression [1939]--that every able-bodied person should work as a condition of relief. This wasn't a particularly new idea, but he felt very strongly about it. And the work relief bill reflected that view. McAuliffe felt the same way. But he thought that Olson simply wanted a bill to authorize payments to people who would be leaning on shovels and sweeping leaves; those were some of the comments that were made with reference to the WPA before it really got under way.

But Olson was serious, and I communicated that seriousness to McAuliffe. Now they were political opponents and known to be. Here I was carrying drafts of the legislation back and forth with amendments and so on, and finally McAuliffe agreed. And the San Francisco delegation was notified that the bill was in proper shape and could be supported. Meanwhile I felt a little bit uncomfortable. Herb Caen was a young man at that time on the make, and what a nice, juicy morsel it would have been to show that these two political opponents were meeting on common ground through one young man. But the bill went through, and this has not been articulated before.

Hicke: How did Olson happen to come to McAuliffe?

Heilbron: He didn't come to McAuliffe. I simply drafted it, the governor knew I was showing it, and I knew they both agreed in principle.

Hicke: And that was the basis that you were able to work on?

Heilbron: Yes--that this was an honest work relief program. Now all these work relief programs were difficult to administer, because it depended on a municipality or a county or the state doing its regular work through regular appropriations and not substituting cheap relief personnel to do the same work. In other words, unless the regular appropriations were maintained, it was a hoax.

Hicke: Did you write in some provision in the bill for oversight or administration that would take care of the problem?

Heilbron: Certainly.

Hicke: Do you have any idea how it was followed through?

Heilbron: I think by that time there was a good deal of sophistication on how to administer work relief. By that time the WPA was pulling out of the work program, and the state had to take over.

Hicke: Can you tell me more about Florence McAuliffe?

Heilbron: McAuliffe was not too easy to work for, because he had a way of slipping out instructions in short phrases and in a rather low voice, and it sometimes was a kind of detective story to piece together the elements of his question, and request for a good answer. And you wanted to get the issue straight--you didn't want to go back into his office and ask what it was. I got along pretty well. I knew how to listen. Perhaps it was because we had mutual interests in welfare, although he would say to me, "You people just want to give away all this money and really not look after it; let the local people handle it. We'll handle it, just give it to us. We don't need any standards and conditions--we have better standards and conditions than you have." [laughs] Which was the old local government idea.

Hicke: Did you work fairly closely with him?

Heilbron: Yes, I did a number of things for him that he turned over relative to clients' estates. However, our relationships were mostly in this government area. It might be when some proposed legislation had to be drafted, or he would ask me to review some pending legislation.

Hicke: Do you know how clients came to him? How or why?

Heilbron: I don't know a list of the clients, but here was a man of considerable political clout, known throughout the city, a good friend of Governor James Rolph, a good friend of the mayor [Angelo Rossi] and the supervisors; well-known bar president and practitioner. He also got a share of some of the Carmel people, I assume from Frank Powers.

Shall we go on to Dinkelspiel?

Hicke: One more thing. Did Mr. McAuliffe ever think of running or ever run for office himself?

Heilbron: Totally disinterested. He was chairman of the Welfare Commission of San Francisco, and that, of course, was a pro bono service to the City, as a lay commissioner. That he enjoyed. But he had no interest in himself being in politics unless you call being an inheritance tax appraiser under the State Controller as political.

Lloyd Dinkelspiel, Sr., I always thought, had a touch of a genius. He engaged in all kinds of legal practice--corporate, domestic relations, litigation; while he managed the firm, as I indicated, he was prime minister. He had been an athlete at Stanford--a good track man and played polo.

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Heilbron: He engaged in many pro bono activities: civic, sectarian, educational. He had been president of the United Crusade (then called the Community Chest), he was national president of the Jewish Welfare Board, he was president of the Stanford trustees.

His door was always open. He had a great capacity for laughter and occasional explosions of temper. His wrath was like a thunderstorm, when it passed he apologized.

Outside of the office, I remember him best as the host of our summer parties at the Hellman estate in Hayward. There, partners, associates and spouses, and occasionally a significant other, carefully and appropriately dressed, came for an elaborate luncheon and tennis playing and swimming, and Lloyd was there always in khaki shorts and a faded shirt barbecuing the steaks while the butler and maids, in uniform, served us. It was a happening.

The Hellman estate is now a park. The main house is called Dunsmuir House. And you can rent it for a wedding or an anniversary celebration.

I would say Lloyd had a definite influence on me. He encouraged my interest and participation in civic activities, but in the law he also had a direct influence. He felt that one should never forget the client's major interest. When he advised a client who was about to make his will, and who said what he wanted to do was to be sure to save all the taxes he could, Lloyd would say, "Now look, that's fine, and we'll save you all the legitimate taxes that should be saved, but for heaven's sake, give as you want to give and then look at the tax picture. Don't look at the tax picture and then start giving." I never forgot that advice.

As a matter of fact I converted it somewhat in a little different situation. When a person came to make out his will and said, "You know, I think the best way is to give the children as much as I can, give it to them now and avoid probate taxes, take lower gift taxes," I would tell them, "Now, look, before you go further I want you to read a play. Have you read *King Lear* recently?" If they hadn't I said, "Read it and then we'll talk about it." If they had read it, then I would remind them what happened to the poor old king. And the client usually gave it a good deal of thought and said, "I think you're right. I certainly don't want to have to go back to my children and ask for help in the event that I would have some kind of a calamitous illness or in some way lose my money, my funds."

Hicke: How did you learn to give this advice? Did you have experience or see cases where this happened?

Heilbron: Oh no, no. It's just a matter of common sense. The play involves the very essence of what your advice should be. It's common sense advice, not necessarily legal advice.

Hicke: That's wonderful, a good example of drawing on literature for some common sense, as you said. Do you happen to know how Mr. Dinkelspiel came to the firm?

Heilbron: Well, he married Flutie Hellman, and so there was a definite family relationship to start with. I would guess that it was always assumed that when he became a lawyer, he would come into the firm of Heller, Powers and Ehrman.

Hicke: Because of his wife?

Heilbron: Well, the relationship--I mean it's like saying, how did Peter Haas come into the Levi Strauss firm? If your family has the business and you have a strong relationship with the firm's personnel, I believe it would be assumed that, if you were qualified, you would be invited and you would accept. And Lloyd

was immensely qualified. Lloyd was a top flight candidate for any firm.

Hicke: So he was married probably during the time he was going through law school or--?

Heilbron: Oh no, no--

Hicke: Had he been practicing law elsewhere before he got married?

Heilbron: That I don't know. I would imagine that he came directly from his Harvard education to the practice. Now, once again you do direct my attention to what came first, and it may well be that the Dinkelspiels had another interest or relationship. I'm sure many of the firm's principal clients were his friends or relatives. For example, his sister was married to a Schwabacher. I knew his mother, I didn't know his father. But there must have been all kinds of client relationships and personal relationships that would have directed him to this firm.

Hicke: So he was an old San Francisco family?

Heilbron: That's right, that's right.

Hicke: And you worked for Mr. Dinkelspiel?

Heilbron: Yes, I worked with him on a number of matters.

Hicke: What were his primary concerns? Can you just name some of his clients?

Heilbron: Well, he did a good deal of the important bank work. He represented a lady whose name I can't remember in a very important or very sensational custody case. There was a big will contest he won. I mentioned the United Airlines case. Let me see.

I remember one of the Superior Court judges referred to him a case involving a young doctor who had come to California from a nonaccredited school--medical school--and he asked for reciprocity to practice medicine in this state.

He had been a very effective doctor in the Veterans Administration, but the state medical board denied him reciprocity. I think there was an order to give him his license by the Superior Court and then it got reversed in the Court of Appeal, and the judge who had given him a license, ordered the license, knew that he was not well financed and so asked Mr.

Dinkelspiel if he would take the case. We did try to get the case reversed in the Supreme Court, and I remember drafting most of the brief.

Mr. Dinkelspiel argued rather eloquently. There had been six other doctors from this same university during its nonaccredited period--incidentally, it got accredited the year after his graduation. Our argument was that as a matter of equal protection, affirming equal protection, that he should be treated like the six doctors who preceded him and who had been given reciprocity.

And the California Supreme Court wanted to go with us, but finally decided that they couldn't confirm six other mistakes by a seventh. [laughter] And they decided against us.

Hicke: What would be his reaction when something like that happened? I mean, that was kind of a strange case to lose.

Heilbron: Well, we knew we had a hard case. There were analogies in criminal proceedings--you let off some people and you had another person who was convicted in a trial, then you couldn't get an appellate court to reverse because of errors made in those other cases.

Hicke: But what would have been Mr. Dinkelspiel--would he be upset or would he just throw it off?

Heilbron: No, he was somewhat upset by it, sure. But on a strict legal issue, he recognized, as we did from the beginning, that this was something of a long shot. And I think that there were ways of distinguishing the other six cases that had been admitted, reducing the number of true comparisons--for example, the greater length of practice of the people who had been admitted, as compared with our man. Anyway, Lloyd knew the Chief Justice quite well, who was Phil Gibson, and Lloyd talked with him and learned that the Court wanted to reverse--the first draft of opinion was in our favor, but then when they reconsidered, they felt it had to go the other way.

I do want to emphasize that Lloyd was an excellent lawyer all around--trial, business, corporate, personal.

So those were the lead people in our firm.

Office Space and Routines

Heilbron: Maybe you would like some idea of what it was to practice in the building that we were in.

Hicke: That's one of my questions.

Heilbron: As I mentioned, I was the thirteenth lawyer in the firm. The building was rebuilt after the fire at 14 Montgomery Street. It was the headquarters of the old Wells Fargo Bank. This was an extremely important local bank, but it did not have the great branch operation that Wells Fargo now has after the merger with the American Trust. But it was a well-respected bank and with a considerable amount of California business, particularly in northern California.

We were on the seventh floor. We came to work at about 8:45, left at about 5:15, worked on Saturdays up to 1 p.m., because the bank was open in those days, and suddenly, I see, the bank is open again on Saturdays. We felt that we had to keep open in order to serve the bank.

Hicke: You had a lunch hour, you said.

Heilbron: Oh, yes. We had a lunch hour, and we had a cafeteria on the eleventh floor, and the associates were allowed along with bank personnel to have the privilege of that cafeteria. For twenty-five cents you could eat a lunch that was so large that you slept after the meal. Everything was five cents, including the entrée. It could be a meat entrée.

Hicke: Is that where you ate most of the time?

Heilbron: No, not all the time but certainly on rainy days. Even outside the office, prices were quite low for a lunch. You could get a lunch for thirty-five cents. Oh, there were various places--Breens down the street, and around the corner, there was the Fly Trap.

Hicke: That's a lunch place?

Heilbron: That was a peculiarly named place, but it was a San Francisco landmark on Sutter Street below Montgomery. It was a French restaurant that was a little higher priced than the other establishments near us, but heavily patronized. They brought you a big bowl of soup, but the waiter had his thumb imprints on the edge. It was an interesting place, however.

Hicke: It's not really a very inviting name for a lunch place.

Heilbron: Terrible name! Terrible name, and yet it was filled to capacity. There were two other French restaurants nearby, Pierre's and Camille's, on Pine Street. I will say that the eating facilities were far superior to what we have now. Without any question. We had excellent restaurants all around us at moderate prices.

Hicke: Was any business done over lunch?

Heilbron: Oh, I suppose so, sure. Sure.

Hicke: And one more thing--did you have to work at nights?

Heilbron: We did if our work demanded it. And that was up to us. I would say that attorneys work under greater pressure today than we did, except when we were on trial, because no matter when you're on trial, that's pressure. It was more of a gentlemen's profession at the time. You didn't sue your fellow attorneys for malpractice. If you needed more time, there was very little difficulty in getting continuances from your fellow attorneys.

Hicke: Was there much exchange with other attorneys outside the firm?

Heilbron: You're talking about referrals?

Hicke: Well, outside of the town probably you did that. But I'm thinking of the city. Were there times when you would call upon another lawyer who had some special expertise that you needed or--

Heilbron: Oh yes, I think that there were very pleasant relationships with other people. I remember that if I had a bankruptcy matter and was concerned about the next procedural step, I wouldn't hesitate calling a bankruptcy lawyer whom I knew and asking him for his assistance.

Hicke: Would you say that's something that's pretty well gone now?

Heilbron: I'm not sure that that's gone out, no--particularly with specialization, it is still done.

Depression Work

Heilbron: I mentioned a little bit about the practice that we had in the early days of the Depression. You remember I talked about the

alphabet agencies and the rules and regulations that they issued and the necessity for construing them and applying them.

There was also a good deal of probate and estate planning that arose out of the very condition of the Depression. You may remember that many people lost a great deal of property value because things were deflated, and so they did their wills with some consideration for protecting their descendants from making some of the errors that their generation had made.

And that meant they created trusts for their beneficiaries so that generally they wouldn't be able to get to the principal and would have to live on the interest, although we always wrote in emergency clauses--they still do--allowing the trustee to invade principal in the event of an emergency.

There was a very substantial change in legislation affecting wills in 1976, the Tax Reform Act and it was the occasion when we looked over a number of the wills that we drew back in the thirties. It was shocking to see that some people had provided for $25 a month or $50 a month for Uncle Willie, with the idea that that was going to help him meet possible emergency conditions in the future.

I think that several of us may have drawn wills at the rate of a couple a day, because people were conscious of the necessity to provide for or against the future. This was partly the result of the bank's situation in relation to us.

In those days if a person came to the bank and discussed what he should do by way of a last will and testament, the Trust Department would usually be willing, even anxious, to draw his will. If there were complications, they would tell the party to go to his lawyer. But if he or she said, "But I don't have a lawyer; who's your lawyer?" then, of course, the bank had a lawyer, and that was ourselves. In that way, we got referred a great many people who had had no previous relationship with us and accounted for a great deal of business. The fee for drafting a will was very low, moderate at best, but the possibility of being the lawyers who would be counsel to the executors of the estate could mean substantial fees.

This situation even improved with the Bank-Bar Treaty in the mid-thirties, according to which a bank could no longer draw any wills or trusts, but had to refer the matter to an attorney --the party's attorney, if there was one. The bar requirement that the party consult his or her own attorney was clear and explicit. But still if they had none and asked about the bank's counsel, the bank could refer them to us. So the net result of

the treaty was to our benefit, since the bank itself was prevented from drawing these documents. Larry Baker drafted many of them, becoming quite an expert in estate planning and trusts, but Don Falconer and I and the rest of the associates shared the work.

More on Early Practice##

Hicke: We were just talking off tape, and you agreed to talk a little bit about the influences that were most important to you.

Heilbron: I did mention the influence of Lloyd Dinkelspiel, Sr. Then there was Mr. Monaco, whom I've previously mentioned. When Mr. Monaco had a legal problem he did most of the work himself, even after his partnership. He might let somebody else do some work just to see how well he did it, still he carefully would check on it. But the person very often couldn't find the books, because they were in Monaco's room. He would have slips of paper in the books. When he wrote a brief the books were all around his room in concentric circles.

The influence was just this. If that's the way you had to research in order to write an adequate brief or an appropriate opinion, you had to be pretty serious about it, and while most of us felt that some of his research was superfluous and too detailed, because it didn't matter whether a case involved $1,000 or $1 million, the fascination of the legal issues was what attracted him.

Yet one could see true research in the making, and that had an influence on me on the quality of the work I tried to do. I think the Depression itself was an influence.

Hicke: I wanted to ask you about that.

Heilbron: It made a person rather careful in what he did, how he planned, what he saved, and affected the values he had. The firm throughout the thirties would take in one person at a time, and that person was initially the subject of great discussion in the abstract: should any person be taken in? I think that was very definitely the impact of slow growth during the Depression.

Hicke: Slow growth of businesses you mean?

Heilbron: Well, businesses--we had a good share of available business. We had perhaps a more assured situation than most law firms, and yet there was this care that was the result, I think, of the Depression. We had some very substantial litigation for the Six Companies. The Six Companies built Hoover Dam. Some of our largest contractors--I believe Bechtel was among the companies that built that dam.

One case was particularly memorable. The plaintiff claimed impotence as a result of carbon monoxide poisoning resulting from the manner in which the tunnels were built in relation to construction of the dam. He was obviously going to be the first of a number of cases. The damages could have been very high even in those days of much more restrained verdicts.

So we were able, as the trial proceeded, to get a person that we knew to become rather friendly with this plaintiff, and they went together on a binge in Los Angeles. During this binge they went to certain places where this plaintiff demonstrated anything but impotence. The defense was able to bring in decisive testimony, and that ended carbon monoxide impotency cases.

Mr. White was the person who handled the case for the firm and Mr. Baker assisted him.

Hicke: You said you have some more information about practice in the thirties.

Heilbron: Yes. There were a number of wild schemes in the state of California to pull us out of the Depression. One of them was the program of providing $30 every Thursday.

Hicke: Was that Townsend?

Heilbron: No. Townsend was to be $200 per month for everyone over sixty. This was different; this was $30 every Thursday, to be done through the issuance of warrants redeemable by the state. I was asked to advise one of our clients, Lee Kaiser, who was an investment broker, on the constitutionality of the proposal. I wrote a rather extensive opinion in which I came to the conclusion that among other considerations, the proposal violated the federal Constitution, particularly the currency clause, because the issue of the currency was the province of the Congress of the United States, and these warrants, you see, were scrip in the nature of currency.

This opinion was published in the San Francisco *Recorder*, the legal newspaper, in three or four installments, and then we

wondered whether Mr. Kaiser had made the best use of the opinion, because we might be educating the people who proposed the program to rewrite the bill in a legally acceptable form and present it again. It was never done.

The people of the state were so shocked by the idea that an older person (I think the people had to be over fifty) was to receive $30 every Thursday; they thought that it would simply break the state of California financially. It's rather interesting, because as we compare figures and what Social Security costs and benefits now are, we might not be so shocked by the amounts as by the eligibility and financing.

Hicke: Let me just interrupt. Is there any chance you have a copy of that *Recorder* article?

Heilbron: No, but I would imagine that it would be in the files of the *Recorder*. Naturally, it was signed by the firm name, not myself individually.

Social Security. That was one of the New Deal measures that was to act as a preventive so that another depression would not have the effect of the depression that then existed, and it had a great many opponents.

One of its proponents, and one who testified before the appropriate congressional committee, was Barbara Armstrong. It was almost the culmination, well, not the culmination because she was still a young woman at the time, but I guess it was her most important work. Mr. [Herbert] Hoover was out of office. Mr. Hoover was resident at Stanford.

I don't like to digress, but Mr. Dinkelspiel when he was president of Stanford used to see Mr. Hoover once a year in order to get his point of view. He used to see him at breakfast and he went down to Palo Alto for the occasion. He would say, "I never knew what I was going to get, scrambled eggs or silence." [laughter]

Anyway, Mr. Hoover was not silent on this occasion. Mr. [Richard E.] Guggenhime somehow, being fairly recently out of Stanford and having young friends there, got to Mr. Hoover and asked him whether he'd be willing to come up to San Francisco to talk to some young men in the law and some not in the law, and this he did at Mr. Guggenhime's family house.

I think there were some thirty of us. I was introduced as the sole Democrat in the group. And Mr. Hoover said, "Well, we can take that ratio."

Hicke: Did he have that sense of humor?

Heilbron: He had some sense of humor. He was rather informal, although his views were as stuffy as could be anticipated and particularly with respect to the Social Security Act, which was under discussion, pending. I don't know if it was in the year it was actually passed or whether it was in the prior year, but it was pending as a very important matter of legislation.

Mr. Hoover said there was no necessity for it, there were plenty of private insurance companies ready to write policies which would protect a man for his own permanent welfare after his retirement and a man should work up his own retirement and he could see no reason for the federal government coming into the situation.

Mr. Lee Kaiser, whom I mentioned--he was not a lawyer but he was invited to this occasion--and I asked the only questions. We wanted to know whether all of the other industrial countries of the world that had some form of social insurance were wrong.

The answer was they were. Theirs was too socialistic an enterprise. The other question that I asked was, "Considering the habits of all of us, was it likely that individuals on their own would get this insurance? They could have gotten this insurance before but they hadn't done so and wouldn't this proposed program help protect against a major depression such as the one we were suffering?"

But he stood by his guns, and he just felt that government had been entering into too many things. He didn't think most of the New Deal agencies were necessary. "Look what happened to the NRA." (That's just what should have happened to it. It was declared unconstitutional and it was unconstitutional, however for a valid legal reason--that is, Congress could have done it, but they authorized the NRA, an executive agency, to issue codes, and that went too far.)

However, there were these other agencies, the Agricultural Adjustment Act and all of the other agencies that were created by the New Deal by "that terrible man, Rex Tugford.". It was an enjoyable evening, there were no raised voices even though some of the Republicans themselves were divided about the acts of the New Deal.

I know, for example, Dick Guggenhime--we became later on partners--was certainly supportive of Social Security, in fact he had been an assistant to Dean Acheson when Dean Acheson was

in the Treasury Department, and so he, I'm sure, benefitted from some of the liberal views of Mr. Acheson.

But that's kind of a sidelight. Rather interesting, I think, though not part of the firm's history, it occurred because someone in the firm brought it about.

I mentioned too about the bank and its traditions. At the time of the bank closure in 1933, President [F. L.] Lipman was the head of the bank, and it almost broke his heart to have to close the bank. In fact, all of the firm partners had to come down to the bank at the dead of night to research whether the bank should comply with the closure order.

Hicke: People from the firm?

Heilbron: People from the firm. They all came from a gala social occasion. Mr. Lipman was a very conservative banker. He believed he had custody of the people's money. When the people wanted their money, they should get it under any circumstances.

The bank could take any run. There wouldn't be a run because people had that faith. He probably was right, as far as the bank's condition was concerned. At directors' meetings of the bank, he asked for prompt attendance at 10 a.m. He would place $20 gold pieces at each of the directors' places--that was the fee in those days, a $20 gold piece.

Hicke: Just one?

Heilbron: Yes, it was just one $20 gold piece. Now, I don't know whether they got anything else. But they got that. At 10:01 a.m. he went around and collected the gold piece of any person who hadn't yet attended. Usually the attendance was very prompt.

Japanese Relocation

Heilbron: I'll give you one more incident of my minor participation in what proved to be an historic situation. This goes into early '42, and that is the time of the ill-advised Japanese relocation. The Japanese owned a good deal of commercial property, including several large stores in Chinatown.

In a number of cases, non-Japanese people had or were anxious to have leases on these Japanese-owned properties. But the owners did not know how long they would be in relocation

camps, and they certainly did not know how long the war was going to last. The question was whether to draw up or amend leases and give the bank authority as agent to execute documents on behalf of the owners.

I was confronted with being asked, how long do you think the war will last? How long should these leases be? We discussed this back and forth with these good people, and they thought the war would last four years.

Hicke: Who's "they," the bank?

Heilbron: No, the Japanese. The bank thought that it might not last that long, perhaps only a couple of years, so the lease period should be shorter so that if the Japanese did return they could get their stores back.

I suggested three years as a compromise, and that's what they decided, which was a little wrong. It was close, but it was kind of an interesting small detail that meant a great deal to these people.

Hicke: Who paid for the writing of the leases? The bank or the Japanese?

Heilbron: I don't recall, but the leases were going to produce money, and there was no reason in the world why the Japanese wouldn't pay for negotiating the leases. They were pretty substantial people. The fact that they had to go to relocation camps was a shame legally and morally, but economically something could be done--

Hicke: So they weren't really poor?

Heilbron: Oh no, no. They were substantial citizens. We were all caught in a certain amount of bewilderment. Anyway these clients of the bank decided to disregard all estimates and sell.

Hicke: With what effect on Chinatown?

Heilbron: To the best of my recollection, much of the prime property in Chinatown owned by the Japanese passed to Chinese or others and was not recovered by the Japanese.

Labor Practice

[Interview 2: May 5, 1989]##

Hicke: When you spoke about your experience in Austria immediately after World War II, you said it related mostly to policies affecting labor.

Heilbron: Yes, it involved the ministry of the Department of Social Administration, really an enlarged labor department. It meant reviving the social security system and reestablishing or providing labor policies.

Hicke: I know you described the work of your Four-Power labor committee. I don't remember if I asked, did the country have strong labor unions?

Heilbron: The tradition in Austria was that labor and politics were much more involved (as in other European countries) than they are here--we tend to have our unions concentrate in the economic field--so that they had a coalition government of the Christian Democratic Party and the Social Democratic Party. The Social Democratic Party represented the union interest pretty much.

Hicke: You indicated that your work in Austria was of some importance to you in developing your interest in labor law.

Heilbron: I became interested in labor policy, in the way grievances were handled, there was a question of what the strike policy should be regarding the new government, should strikes be permitted and so on. It was generally agreed that it was necessary to have a period of calm and rebuilding before strikes could legally be permitted. After serving as deputy head of the Labor Committee, U.S. element, and chairing the Four-Power labor committee twice (on a rotating basis), I came back in early 1946 and rejoined the law firm.

Hicke: And what had been happening to it while you were gone? Did you get some sense of that?

Heilbron: Yes, I understand that there were one or two replacements of those who went into the service, but those who remained had to do a great deal of the kind of work that they had done as associates, even though they were full partners. I think even Mr. Ehrman was pulled into service attending to some court matters.

Hicke: They were happy to have you back, obviously.

Heilbron: Yes, but I think that I was one of the last to get back. And by that time, the firm was pretty well readjusted to its personnel as it was just before we went into service; the replacements had left.

Hicke: So by about 1946 the people who had left had come back?

Heilbron: Yes.

Hicke: But no new people had been hired, maybe, is that correct?

Heilbron: I don't recall new people at that time. The records may show differently, but I don't recall any.

Postwar Years

Hicke: And what did you start in doing when you returned?

Heilbron: I suppose I started with the miscellaneous activities that I had been engaged in prior to leaving, but very early I got into the labor field representing some of our clients who had organizational labor problems, and I believe it was partly because of the experience that I had during the war service that made it somewhat natural to be directed to that work.

Hicke: Did that work come to you from the senior partners who knew what you had been doing?

Heilbron: I suggested it and they concurred. Then very early on, very quickly when it became known that I was doing this kind of work, the other clients came to me.

Hicke: Who were some of your first clients?

Heilbron: Gallenkamp Shoe Stores had a chain in California, and there was considerable work done for them. It was mostly contract negotiations as far as they were concerned. In the late thirties, the Wagner Act was passed (the National Labor Relations Act), which gave considerable authority for unions to organize and listed a number of unfair labor practices on the part of employers that were deemed unfairly to inhibit such organization. Not all of them had been so used, but the purpose of it was to give a bargaining position to labor.

In 1947 the Taft-Hartley Act was passed, which then listed a number of unfair labor practices by labor unions that were

deemed unfair to employers, and it was after that Act that Gallenkamps had a number of its negotiating problems. I recall negotiating with one of the labor leaders in Los Angeles (Joe de Silva). He was a very interesting, colorful character, but he and his unions were rather angry about the Taft-Hartley having been passed, and when an issue arose that seemed to me to involve a Taft-Hartley issue and I would bring it up, he would refuse to listen to the phrase Taft-Hartley. So we developed a procedure where the Act was referred to as "that thing." [laughter]

De Silva became politically active in the Democratic Party. I think he went back as a delegate to one of the national conventions, and he was his own boss and managed things in his own way. I remember Dick Guggenhime was down in Los Angeles with me on one occasion, and we were at the Brown Derby. Joe saw us there, and he sent over cocktails and a bottle of wine and [laughter] and everything else. It was after we stood firm on a contract issue. He was a different type of labor leader, I don't think he was one of a kind, but his attitudes had statewide impact on many union agents. Gallenkamps having various stores and not negotiating statewide but within each area, it made it necessary to meet and deal with various union leaders and know their relationships. That was one client.

Hicke: What were the specific problems?

Heilbron: Primarily, it was wages, what the wages would be, how grievances would be handled, problems about an arbitration clause. I think that at one time we got into a picketing situation where the question had to be what was legal picketing, how many people in front of the store, and so on. I don't know whether I mentioned it before, but during much of the period when I was handling labor problems, we were dealing with efforts at organization, the legality of employers trying to prevent unions from seeing their employees in and about the plant, employers right to meet with their employees and what they could say. After recognition and bargaining began, there were picketing and strike problems, secondary boycott problems, all tied in with an interesting period when labor was doing extended organizing. Now this situation, while I understand it still obtains to some extent, has been very much superseded by individuals rights, as distinguished from organizational rights. Antidiscrimination statutes give rise to most of the litigation now, and wrongful discharge. Maybe I mentioned this before, but the labor law practice has changed considerably, and the number of people involved who may have claims has increased greatly. You may be dealing with one labor union with respect to a problem, but you

may be dealing individually with a number of people who claim wrongful discharge or discrimination.

Hicke: Are you going to talk about another one of your labor clients?

Heilbron: Yes, Langendorf Baking Company and the San Francisco Bakery Employers Association were two really interesting clients.

Hicke: What was the second one?

Heilbron: The San Francisco Bakery Employers Association. That included all the principal bakeries except the French bread bakeries.

Hicke: That's interesting. Why weren't they included?

Heilbron: Well, they always had a special relationship. They baked different bread and they handled their own affairs.

Hicke: So they had their own association?

Heilbron: I don't believe so. At the time there were only one or two, so that it wasn't even a question of an association, and I think that they just didn't want to be part of an association that was dominated by very large organizations and didn't want to have to take program from such an association that ran the gambit of the usual labor problems.

Mr. Stanley Langendorf was very much in charge of bargaining, even though the other baking companies were rather formidable. We used to work out some rather complex agreements, and just about when we got to the agreement, Mr. Langendorf would feel he could do better. And so he would proceed. While it is axiomatic that a lawyer had to be responsible for handling his own client, Mr. Langendorf could only be handled so far, and he would try to make a better deal, and one of two results always occurred: either he got the same deal or one that was slightly worse. But he was always content and happy that he had gone through it and that he saw for himself what the agreements meant, what the results were, and he always felt that he had gotten something--if not for that particular agreement, for the next agreement.

Hicke: At least he hadn't left any money on the table.

Heilbron: Well, that's right.

Hicke: What did you do when you would give him some advice and he wouldn't take it?

Heilbron: Well, mostly he took the advice. The lapse period of time between his efforts to improve the situation and a final agreement was not great. As a matter of fact, the union was quite aware of the pattern and knew pretty well how it was going to come out anyway.

Hicke: Let me just ask you one more question about the Langendorf negotiations: did anyone else in the firm work on that with you?

Heilbron: No. Not with Langendorf.

The Art of Negotiating

Hicke: Well, let me ask you a little bit about negotiating: what kinds of things did you find were successful?

Heilbron: Negotiating labor agreements meant a great deal of patience. You were always hopeful of success if you just came to the bargaining table and had all of your points in a row and knew just what you could do and said, "Now this is the situation, we don't want to go up by stages, we want to lay the thing right on the table."

Generally, it wouldn't work. There was a certain pattern of a minuet that had to be gone through, and the employers usually began by not wanting to give anything or very little, and the union began with an impossible demand, and so you had to work up by stages to an agreement, and one provision frequently had to be traded for another. The objective might be for the higher wage, but by putting in an extravagant demand, the union would try to get the wage raised if they withdrew that demand. So as I say, it was a question of patience and also of being able to make clear when firmness had to be understood and that there was not going to be any further adjustment, and that point is always a psychologically difficult one for both sides to know.

Hicke: So I would say an astute judge of character is a requirement.

Heilbron: Yes, I think that goes for both sides.

[tape interruption]

Hicke: We were talking about what was needed for negotiation. I wanted just to ask you: when you are handed a list of demands, would your first thought then be which ones are negotiable or which

are most negotiable, which ones of these have they put in as mere troublesome negotiating items?

Heilbron: That's correct for analysis, although you usually answer almost any demand, making it clear what your position is. A lot depends upon the people that you're dealing with, and in many negotiations, one side or the other starts with a statement of how ridiculous the other demand is or the position is, and you have to get over the frigidity, you have to know what words mean something and what words really don't mean very much.

Hicke: Well, that's interesting.

Heilbron: It's a little difficult to state general principles for all negotiations with different kinds of unions, different kinds of people. There are unions who desire to come to the issues rather quickly and who don't, well who don't scatter their demands over a great territory. They know what they want, and they make it clear what they consider to be important, and sometimes that's an easier group to deal with.

At this point I would like to insert an additional note on negotiation.

Notes Re Negotiation in Labor Agreements

[this section was inserted during the editorial process]

Heilbron: I have said in my interview that in labor negotiations there usually is an expectation that the parties will participate in a minuet. Agreement at a first session of negotiators is close to impossible. The union leadership wants its constituencies to know that it is representing their cause and an immediate settlement would indicate that they surrendered. Thus the first meeting is usually exploratory, an exchange of demands, some joking discussion, and occasionally a time for some shots across the bow, such as a union leader saying, "No matter what our demand, you look at it seriously because, by God, we mean it."

Actually in labor negotiations, as well as in other types of negotiations, it is best to seek objective standards that will produce results as much as possible to the advantage of both sides. Therefore, it is not advisable for either side to dig in with their demands and say, "This is the best. Take it or leave it." There are situations where ultimately that statement may be made. But in the vast number of cases options

can be developed, trade-offs proposed, that will satisfy both management and labor that they have obtained a good agreement on settlement. Indeed if each side can feel that it has "won" on what it deemed easential, then the best and most lasting result will have been achieved. Of course, there are egos involved. A labor leader may pride himself on his aggressiveness and support of his members, knowing that he will always fight for their benefits. Thus you rarely want to defeat or humiliate such a leader; it is better that he can recommend an agreement that he deems to be a "victory."

Of course, there are limits to such adjustments. A negotiator cannot give in to demands just to make the other negotiator more friendly. Both employer and union must know what, respectively, they will do in the event that no agreement is reached, and be prepared to do it. Management should try to deal fairly and on the merits, but if the other side is intransigent and adamantly refuses a reasonable solution, the employer will have to be prepared to act on other options. These may be to face a strike and shutdown, or to be able to invoke, with other employers, the position that the strike against him is a strike against all in an association of employers or to keep the business going through the use of management and substitute employees, et cetera.

There are times even when there can't be a minuet because there is no room to dance. Economic circumstances may not permit--no area may be available--for significant change.

During the heyday of union organization and fifties prosperity, unions were in a better position to strike than they are today. Their strike funds could carry their employees for an extended period of time and cause the employing company considerable damage and loss. These days, however, of high expense, of living comfortably and saving little, make it difficult for a union to sustain a long strike. There are exceptions, for example in the health field. With the scarcity of nurses, their bargaining power against health agencies and hospitals is considerable. In this kind of situation, employers are hard put to find solutions because of financial costs, especially when most of them are nonprofit institutions. A large element in effecting settlements is public opinion: the wrath of the public on seeing pictures of children dead allegedly because of lack of care will bring the parties to an agreement more speedily than negotiators or mediators. Public opinion also may be decisive in the case of teacher strikes, although parental opinion seems usually to support the teachers' position so that a walkout will be settled and the children be

returned to school from home or the streets. [end of inserted notes]

I wanted to add a little note to the memorandum I have just given you on negotiation.

Hicke: Okay.

Heilbron: And that is that the principles of negotiation not only apply to the labor field but there is negotiation for almost everything else--in the real estate field; when you try to collect on an insurance policy; when you are working on a divorce settlement or when you are working on a merger or acquisition. So I just wanted to make clear that the elements of negotiation, successful negotiation, apply to all fields as well as labor. But there is a difference in the process when there is more of an urgency. In most cases, when a person wants to buy a piece of real estate and another person wants to sell it, they don't have to exercise either the patience or go through the maneuvers that a labor agreement would involve.

As for other clients, in the labor field they included Hiram Walker in their western headquarters, and a number of retail stores such as I. Magnin, Roos Bros., Gump's, Sherman Clay. We did a good deal for Sherman Clay, just occasional issues with the other stores. There was a considerable amount of work for Hyatt in San Mateo and Amfax, mostly in the pension area, but the usual kind of collective bargaining counsel and engagement for labor disputes were with Pacific Mountain Express, Pacific Cement Aggregates, and the Frank Food Company. We negotiated all the labor contracts for KQED for a good many years--up to the early seventies. This is a partial listing.

Hicke: Are you saying that they would go to you for some labor matters and somebody else for other labor matters?

Heilbron: In certain cases that was true, especially when the company was a member of an association that we did not represent.

Hicke: So belonging to an association would have some effect?

Heilbron: Yes, and I noted our representation of the San Francisco Bakery Association. But even if a client joined an association we did not represent, the company would often come to us to protect their objectives in relation to the association. After a while, Hiram Walker joined the Distributors' Association in San Francisco, and the Association represented them in their citywide industrial contracts, but they often had special

problems which they asked us to take care of and which the Association did not wish to get mixed up in.

I worked rather closely with the Distributors' and that was important to Hiram Walker, because they did not wish certain general programs, definitions, or classifications of employees to be applicable to them and sought exceptions because of the nature of their work. So it was important that the Hiram Walker interests with respect to the kinds of employees they had and their particular problems which were different from many of the other people in the Distributors' came to the notice of the executive of the Distributors' Association and their president, Hart Clinton, whom I knew quite well. It was a very good relationship.

Hicke: San Francisco, as you alluded to before, has always been known as a labor town. Did that affect your work? Did that context make it more difficult for you?

Heilbron: No, I don't think so, because the employers were used to labor being a very potent force in the economy of San Francisco. Employers would like to have their employees outside of the union when they could, and so we would be instructed to oppose recognition where the employer felt and believed that the majority of his workers did not want to belong to the union. But, by and large, employers in San Francisco had a much longer experience of adjusting to union relations than the south.

Hicke: Yes.

Heilbron: They came in much later in the picture.

Hicke: Yes. I think we stopped with the Hiram Walker; let's see what else there is.

ERISA

Heilbron: Well, finally on the labor side, maybe I should call attention to the new laws which set up ERISA [Employee Retirement Income Security Act], the program for profit-sharing and pension trusts. At the beginning I got into that picture too. I guess that was in 1974. I'm not sure when that program was recognized nationally or even created nationally. Then of course it opened up really a new vista for employee relations with their employers, and much of organized labor and many employers saw that the provision for retirement was as important as the old

wage considerations were--in fact, possibly more important, and so that was a developing field.

Hicke: Do you recall any particularly interesting challenges along that line?

Heilbron: I know that one of the questions was at what time would the contributions of the employer be vested in the employees, and naturally the employees wanted the vesting to occur as early as possible, and the employer usually wanted it to be later so that the funds would not become available if the employee left at an earlier time.

Hicke: Could you just give me a sense of how these problems would arrive on your desk? For instance, in contract renegotiation and the employees would bring this up, or was it after the law was passed, the employers--

Heilbron: Well, after the law was passed a number of employers who had no union problems at all would establish a plan, and if they established a plan that the employees liked, it had a very favorable impact on employees and in some situations, I believe, actually deterred union organization. So employers were quite conscious of this. And enormous amounts of money and funding are involved in these pension and profit-sharing plans. This fact is reflected in the power of these plans to affect the value of securities by their investment policies.

It began as a kind of improved relationship between employees and employers, mainly initiated by employers. It has become a great economic factor in the country; and in ERISA negotiated plans, the really sophisticated unions preferred that an employers' committee attend to the investments. They didn't want to get into managing the funds. When you deal with the amount of funding necessary for a substantial pension and profit-sharing plan, you need very experienced and stable investors. And, as I say, the larger unions understood this very well.

In short, in the beginning ERISA plans were established on the initiative of employers and they sought investment counsel. Subsequently, the plans became a subject for negotiation--to maintain or enhance benefits.

Hicke: And did the firm establish a program for its employees?

Heilbron: Oh, yes, yes.

Hicke: And did you handle that?

Heilbron: We had two or three people working on it here, including myself.

Hicke: That sums it up in a nutshell, I think. Or a watermelon, as you just said off tape! Yes, you're right, they are important.

Changes in Offices

Heilbron: Now, of course, there were other matters, both from the standpoint of practice and pro bono that I engaged in.

Hicke: Yes, you skipped over a lot of years there without telling me much, so let's--

Heilbron: Well, most of these things occurred after our move from 14 Montgomery Street to 44 Montgomery.

Hicke: Why don't you tell me about that, since we're on it?

Heilbron: We have to go back a little bit. Our office expanded at 14 Montgomery. We took a couple of floors in the Hobart Building, which adjoined the 14 Montgomery Street building. Because we had the seventh floor and we took the Hobart's eighth, the adjoining gap had to be adjusted by a little bridge. I moved into the Hobart Building at the end of '58, around there. I had an office in the Hobart Building, and when it was decided to build a highrise plus a new bank building for Wells Fargo, all of the property on Montgomery up to Sutter Street was purchased in order to accomplish these purposes. Some landmarks disappeared, like that Fly Trap Restaurant that I mentioned to you the other day. And all of the property to the north of our 14 Montgomery Street was razed, first to establish the vacant lot on which the highrise would be built, and I could see this work being done from my window in the Hobart Building.

Hicke: And hear it?

Heilbron: And hear it hit by hit. Some New York firms were building highrises out here and everything had to be put on piling, steel piling, because of the earthquake risks, real and imagined, and the need to have an ultra-firm foundation. And they had a pile driver that was nicknamed Alfred the Monster that knocked in the piles.

Hicke: Nicknamed by you?

Heilbron: No, no. I don't know who labeled it. It made so much noise that they had to dismiss employees on the other side of Sutter Street at four o'clock. Office workers couldn't take a whole day. And it was pounding all the time. I believe it went into night work at a fairly early period in order to try to reduce the daytime use, but in any event it made such a racket and was so disconcerting that when its work was done, there was a great celebration at the intersection.

Hicke: [laughter] Outside?

Heilbron: Outside!

Hicke: Oh, wonderful.

Heilbron: To celebrate the death of Alfred the Monster.

Hicke: Beowulf rides again!

Heilbron: That's right. So then that building went up, and we moved into 44 Montgomery Street. The precise dates you'll have to get elsewhere.

Hicke: I have that. I think there were two moves. You moved in 1966.

Heilbron: We moved to the fifth floor first and then we moved to the thirtieth and thirty-first floors. We eventually had three floors in 44 Montgomery Street. Then old 14 Montgomery was destroyed, and a bank building at just a three-floor level or something like that was built.

Hicke: Did Alfred--

Heilbron: No, no! Alfred was innocent regarding this construction. This is the new, low-level building at Market Street and Montgomery.

Hicke: Right--big, heavy curtain around the window--

Heilbron: That's right, and it continued to be the main branch of Wells Fargo until Wells Fargo Bank acquired Crocker, on the other side of the street; then that low-level bank was vacated and is now otherwise used, and the big branch is over at the Crocker, which is a very beautiful building. The headquarters were moved to a highrise on California Street with part on Montgomery and part on Sansome.

Hicke: And so the firm still was renting space from Wells Fargo Bank?

Heilbron: No, the owners of 44 Montgomery were independent of the bank. However, the bank occupied several of the lower floors. So a good deal of the work I've been talking about was simply continued at 44 Montgomery.

Hicke: What happened when clients came in and Alfred was at work? Did you remove to the library or--?

Heilbron: Well, I think we endured. We just endured. There was not much chance of escaping Alfred. People would commiserate. Now, interestingly enough, there were some offices in 14 that did not hear Alfred too much. But most of the offices had a temporary problem.

In the long run, something very important had happened, driving much of the building and office changes. American Trust, with its many branches, had merged with Wells Fargo Bank, a regional bank with national status. The name of the merged firm was Wells Fargo Bank, continuing the image of the pioneer and stagecoach.

World Trade Center

Heilbron: One interesting thing that occurred--I guess it was the late forties, after I got back--was the concept of a World Trade Center at the Ferry Building. At the time the Port of San Francisco was operated by the State of California, and Mr. Lee Cutler, who had been president of the 1939-40 Fair, now had something else to do for the benefit of the community. And he felt the time had come, particularly after the end of the war, when there was a good deal of talk about the new global community, that we should share in it with a World Trade Center.

He also thought that the Ferry Building should have a use and proposed that the center go there. The question was, "How do you get a private center in the Ferry Building?" Yes, one that could rent to import-exporters, to foreign consulates, and to make it like other world trade centers are in New York and Chicago.

So I guess it was McAuliffe who gave the job to me to work out some solution. I found that a district was created within the state called the San Jacinto District, near Palm Springs--which is a mountain district with a funicular and gives access from desert to mountain top and rents out certain of its facilities.

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Hicke: We were talking about San Jacinto.

Heilbron: And using that as a model, I developed a statute that created the World Trade Center and provided for a facility that could be used for a trade center, consular offices, and club with a restaurant.

Hicke: So it's a special state district?

Heilbron: It was a special state district or authority, and leases were than made by the state to the occupants. Only one part of the Ferry Building was developed as a world trade center. The other part of it has been rented for professional (law firm) and commercial uses. But the north wing is all the World Trade Center.

Hicke: Did that require legislation?

Heilbron: Yes, sure.

Hicke: So, you had to go to Sacramento and--?

Heilbron: We had to go to Sacramento. Mr. Dinkelspiel and I went to Sacramento to support the bill that created the district or authority that created the center.

Hicke: Did you write the bill?

Heilbron: I wrote the bill, yes, but as customary the state legislative counsel put it in final form.

And the state then operated the Center and the World Trade Club was established. It has flourished ever since, but the state then transferred its functions to the Port of San Francisco, so it's the Port of San Francisco that's succeeded to the lease and has thereafter been the lessor.

But it was an interesting and, I think, very worthwhile project.

Hicke: Who was the lessee? Is there a World Trade Center organization?

Heilbron: The Port of San Francisco is now the lessor and the World Trade Club, the import-exports and others are the lessees.

Hicke: Was renovation involved?

Heilbron: Oh, yes.

Hicke: Were you involved in that?

Heilbron: No, no. It's rather interesting, when you ask were we involved in that--because it was going to be a state district or authority operating the Ferry Building that was to be devoted to a world trade center. A district (authority) was created, and I remember the state legislative counsel asked us whether we didn't want to have it written in that the district (authority) could employ its own counsel. And we were concerned that we didn't want any idea floating around that there was any private benefit to be obtained by people interested in this bill. Mr. Cutler wasn't going to be a paid official or executive of the center, and we did not want to be written in as or regarded as potential counsel. Because we wanted to be sure that the bill went through without any political ramifications.

Hicke: And so then you did write those provisions in?

Heilbron: No, it wasn't necessary.

Hicke: Oh, I see. You didn't care.

Heilbron: We cared that the bill would pass.

Golden Gateway

Heilbron: Then I got involved with the Golden Gateway project. This was a matter of competitive bids to build the Golden Gateway residential area, a program for redevelopment near the Embarcadero in downtown San Francisco. A number of top development teams entered the competition. I represented a group led by James H. Scheuer of New York, who assembled a team of the Tishman Realty organization, the Cahill Construction Company, John Warnecke, the architect, landscaping specialists, and others under the rubric of Tishman Cahill Renewal Associates. Scheuer was really the moving party, as an authority on housing and an experienced developer in the field. He later became a congressman, an office, I believe, he still holds.

In any event, he engaged me and the Renewal Associates competed.

Hicke: You put in a bid for--

Heilbron: I was the counsel for this joint venture; later Cap Weinberger joined me. And this was the time when Justin Herman was the development director in San Francisco.

Hicke: And it was the city that was putting out the bids?

Heilbron: Yes, the city had condemned the old produce district and the land thus acquired was put out for purchase and redevelopment. It took a good deal of money just to enter this competition, because designs and models had to be made, costs and finances projected, and so on. Over sixteen acres were involved in this planned residential area.

Front-runners in the competition were Kern County Land Company and Del E. Webb Construction Company, Perini-San Francisco Associates (including Perini Land and Development Company, Fleishhacker Company, architects Wurster, Bernardi, and Emmons, among others), and our team.

There were written proposals, a formal public presentation, negotiations on the financial aspects. Design was a primary factor, but the financial consideration was also very important.

The design competition was very close between the Perini Associates and the Tishman Cahill Associates--their respective combinations of highrises, range of apartments, town houses, and landscaping. Finally, the award was made to Perini and Associates.

Hicke: The award was primarily on the design?

Heilbron: Well, yes, though someone said they took our buildings and put in their landscaping or took our landscaping and put in their buildings.

Hicke: [laughing]

Heilbron: That, I'm sure, is exaggerated, but I do believe some of our architectural elements were ultimately incorporated. I know they added architects after the award. But that is not the whole of the story.

Hicke: What remains?

Heilbron: The financial aspect, which the Redevelopment Agency admitted did pose some issues. Scheuer had proposed a scheme of reverter in favor of the city: that is, after forty years, the land and improvements (after development) would revert to the city, subject to an option to the developer to repurchase the land at

the then-market value for a new holding for thirty-five to fifty-nine years, at the expiration of which the land and improvements would finally revert to the city for further sale or disposition. It was quite an innovative proposal, with a lot of built-in gain for San Francisco, both at the end of forty years and later.

But the agency stated that it could not consider the proposal because it was outside the ground rules, though the concept was worth study for some future competition. Yet the ground rules listed the financial or business consideration as one of the criteria.

Hicke: Mr. [Art] Agnos might not have some of the problems he has now if that had been--

Heilbron: I'm afraid he would not have been helped, because the competition was in 1960 and forty years reach into 2000. But some future mayor and the city might have been made very happy. One of the agency commissioners told me that he was very much upset at not giving the Scheuer proposal full consideration since he felt the design competition was so close.

Hicke: What was the attitude of the Scheuer, Tishman, et cetera, team?

Heilbron: Even if there was a legal issue, they did not wish to contest. They had national reputations and did not want to be seen as protesting losers.

1200 California Street

Heilbron: I got involved with 1200 California Street--you know that large apartment house? Tishman as developer employed us, established the cooperative that was going to be developed to operate the apartment house.

It was an interesting project with 1200 California Street. The Tishmans were used to cooperative programs, that is, cooperative apartment houses. New York, of course, is full of them. San Francisco has some too. And we had two big problems.

One of them, after we got started, was when an act was passed by the State of California authorizing condominiums for apartment developments. The question was whether to turn over the project to condominiums or to continue as a cooperative. The determination was made to continue as a cooperative.

The other problem was that in the old Hillcrest apartment house that had to be torn down to make way for the highrise, Alexis Tangiers had a three-year lease. Nevertheless the property was purchased, and it was decided to proceed. There were three tenants, three big tenants still remaining, of this apartment house. I think all the other leases were terminable without a problem, but these people had term leases. And two of them we were able to negotiate and pay off on fair terms. But Alexis wanted a lot of money. We had quite a time with him, but we finally paid a sufficient amount for him to go into that fancy restaurant property opposite the Mark Hopkins Hotel, which was prime restaurant property on Nob Hill, and we paid for the whole remodeling and putting that restaurant into shape.

Hicke: I hope you got a chance to eat there occasionally!

Heilbron: We had one celebration! Alexis gave us a celebration dinner after he opened his new restaurant.

Hicke: With him was it just a matter of talking and trying out different ideas?

Heilbron: He had a going restaurant in the basement in the old Hillcrest apartment house, and it was far better for him to get this new place. It was necessary for us to build 1200 and begin selling as soon as possible. So, as always, when there's enlightened self-interest on both sides, you can come to a deal.

Hicke: That's an interesting thing to remember.

Petrillo: Educating the Client

Heilbron: So I don't know what other things might be of interest. I had a client who was a very well-known musician. Internationally. He had a problem with Petrillo, who was the czar of the music union. It had to do with the interpretation and application of one of the provisions in the union rules, which applied to this client. And it was a provision affecting the obligation to use union orchestras in recording.

I had heard on good authority that Petrillo <u>hated</u> attorneys and if he [the musician] came in with his attorney, we were through. He wouldn't give in. He wouldn't.

There were two interpretations possible with this rule. And also particularly as applied to this client, because of

arrangements that had been made long before the rules had been adopted by the union, there was a good defense; but it was an arguable proposition both ways. If Petrillo felt that it was worth disciplining a well-known man and it would yield a good deal of publicity in a lawsuit, he would have been willing to do it.

I realized there was nothing to be gained by my going with the musician to New York. So for one hour and a half over the phone, I explored every possible question Petrillo could possibly ask and groomed the client to be in effect his own amiable lawyer. And it worked!

An exemption was granted. And one of the reasons, I felt, was that Petrillo, particularly if a person was well known, wanted that person to meet with him on equal terms. And if he did that and was cooperative, that would satisfy him. And it was probably the right way to handle the particular situation.

Hicke: As you were saying before, "Know your opponent."

Heilbron: Some administrative agencies don't want to deal with attorneys, and sometimes if you've got the right client, you can, through the process of education, help that client to deal directly with the agency and come out better than if an attorney were present at a hearing.

Now this next situation occurred during the [Senator Joseph] McCarthy period. I represented a doctor who was a liberal and contributed to liberal causes and so on, but somehow the medical administration--what is it, the California Medical Association, I guess?--got complaints and they were citing him.

I think the only way they could get at him was to effect withdrawal of his veteran's hospital privileges, in other words, payment for his services would cease.

But professional authorities and government people were just as much under the climate of fear as the people who were appearing before them--they wanted to show that they were 100 percent patriotic Americans in judging people who came before them--and it took people of real character to stand up and be counted.

A lot of the action or decision depended on the evidence that was submitted before them, and so if a client was careful in presenting his testimony--sure, truthful testimony it had to be, but he should answer the questions and not go into a long dissertation of his philosophic beliefs if they weren't asked

for--he had a much better chance than the person who was going to talk too much.

And that was another situation where consulting with and educating the client benefited him when he made his appearance. And he was adjudged not guilty, if that's the phrase to use, or not in violation of some ethical or loyalty program that had been developed during that period. Not that he should have been up there at all. It was a disgrace that he was up there.

I guess what I'm saying is that there are times when a client can benefit from a lawyer's counsel and in effect appear without counsel and be successful.

Hicke: That's really interesting. Educating the client is one of the aspects of law practice that is lesser known, perhaps, but surely important.

Heilbron: I would say that when a person comes to a lawyer, ordinarily he needs the services, the professional services, of a lawyer. The usual procedure of an attorney at a hearing involving his or her client is to see to it that unfair questions are not asked or the client is not compelled to answer them and mainly that the client present his own case in a simple, direct manner.

But when you've got a situation at an informal administrative hearing, where the directness of the client is respected and where the legal issue is not complex, and where the client can express himself graciously and will, maybe you should let him do it without your presence.

Hicke: Did you ever have cases where--matters, I should say--where some preliminary advice or research or knowledge on your part prevented a problem, headed off trouble?

Heilbron: Oh, I think that consultation with lawyers results in the prevention of as many problems as are litigated or where there is controversy. Yes, I think that one of the biggest duties of a lawyer is to guide his client into paths that will not lead him into unnecessary controversy.

Hicke: Do you recall any specific examples of that?

Heilbron: Oh, it happens so often that a person is unhappy with an employee, and he's going to discharge this person and then finds out that, no matter what he says, he hasn't got a record to justify it.

By so advising him, you have prevented an unnecessary and costly act. Sometimes partners may have a falling out. And one will come to his lawyer and in the end, he'll get in touch with the other lawyer and solve that situation before it breaks out. So I think that certainly a good deal of law prevents unnecessary controversy.

A Settlement, a Development, and the Prime Rib##

Heilbron: I had a number of divorce settlements during the early practice of the law, and one of them involved a prominent doctor and his wife who was also a doctor. It wasn't so much the grounds for divorce which we were certainly able to prove, but the division of the community property that took the time and the trouble.

Hicke: Which one did you represent?

Heilbron: I represented the wife. I had represented both of them prior to their divorce, but he got his own attorney in this matter. And they were splendid people.

Hicke: Did you take the case because you had represented them before in other matters?

Heilbron: Well, when the unhappiness developed, the wife came to me and asked if I would take it. And I did. For a time, I think they wanted me to represent both of them, which was impossible. The interesting part of that settlement was the wine cellar. The husband, who was a wine expert, had a cellar that was equal to the best in the city. It probably was the second best in the city, after the Bohemian Club. The question was dividing it. Of course I enjoyed a little wine, but I was not expert.

The other attorney and I and the doctor went down to the cellar in his home. I suggested, "Let's begin by dividing the labels. If the labels are identical, I'll take my chances that they are both getting equal values." So a great deal was transferred in that way. But then we got to a number of bottles where there were not two of a kind, and it was not going to be a case of Noah's Ark anymore, and we had to decide on equal values. There were some stray bottles of fine wine that came within that category.

So there was a long aisle in this wine cellar, and I asked the husband if he would be able to arrange the bottles in two

equal-valued lines. He said, of course! So he went to the trouble of moving the wine bottles, and incidentally this had to be done two or three times because of the number of bottles in the length of the aisle. And he said, "That's about it." And I said, "Now, would you be willing to take either line?"

Hicke: Oh, very good!

Heilbron: And he said, "Well, now, wait a minute!" He changed some bottles, and then I said, "Now do you think they are equal?" And he said, "Well, I think they are about as equal as I can possibly make them." I said, "Now would you be willing to throw a coin to see who gets which line?"

Hicke: Oh, terrific!

Heilbron: He said yes he would. And that's the way we divided the wine cellar.

Hicke: It's too bad they didn't ask you to taste some of it to check it out.

Heilbron: Well, after the wine cellar was divided, the wife very kindly gave me a pretty good box of the better wines that had been agreed upon as going to her.

I told you about the Alexis transaction?

Hicke: Right.

Heilbron: An interesting law suit that Mr. Tenney and I had relates to a restaurant in San Francisco that is called the House of Prime Rib. A distant cousin by marriage owned Lawry's in Los Angeles. And Lawry's owned the place called The Prime Rib. The Prime Rib was derived from Simpson's of London. That is, Mr. Frank, Lawrence Frank, owner of Lawry's, had gone over to London on vacation and had eaten at Simpson's and was fascinated by the way they served their roast beef from the carts. So he adapted this kind of arrangement for Los Angeles, and it for years has been one of the leading restaurants there.

Well, one of his employees left him and came up here and developed a relationship with some very good people whom I knew personally, and they put up a restaurant on Van Ness Avenue and called it The Prime Rib.

Hicke: This is The House of Prime Rib?

Heilbron: "THE" Prime Rib.

Hicke: Oh, they called it The Prime Rib?

Heilbron: And the menus were taken from, practically copied in substance and form from, the Los Angeles operation on the same kind of big wooden board menus. And even the little greenery outside of the restaurant, the hedges, were arranged like the ones down there.

The food was good. It was pretty well copied. But the Los Angeles people, who had spent a great deal of money in advertising their operations, did not feel this was a fair matter, and they wanted to enjoin the operation or at least the name of the place. They couldn't enjoin cooking of prime rib or anything of that kind.

So we went to court on it. Our big precedent was one that was decided several years before: the Stork Club in New York, which also did a lot of advertising and, as you know, was a primary entertainment center in New York, found out that a little bistro on Fillmore Street was calling itself the Stork Club, and they felt that if the cat got on the chair, it might get on the table; they were going after this little operation. They brought an injunction suit against this little bistro, the Stork Club in San Francisco, lest their wonderful operation in New York should be misconstrued as having a partner in San Francisco of such a low caliber, and they won their suit.

Well, we had a better case than that! This was no bistro on Van Ness Avenue, this was a restaurant seeking wide patronage. People did think that the Los Angeles operation had simply established another branch here and that they were advertising for their own branch restaurant. Therefore, Los Angeles wanted to enjoin the use of the name.

Hicke: Now, you were representing the Los Angeles restaurant?

Heilbron: Oh, yes. After all it was an extended part of my family.

Hicke: Yes.

Heilbron: And so we went to court. I think Judge Milton Sapiro was our judge. Both sides put in evidence. The argument against us was: how could you do anything with "Prime Rib"? It's a phrase, it's a description; you can't have an ownership of that kind of a phrase or title. But there was that little big article, "The." The judge suggested that word, in the context, stood for something and could be protected. And he expressed having trouble with the copying pattern. So the defendants proposed a settlement that would involve changing their name to House of Prime Rib. The "The" would remain proud and alone with Los

Angeles. Also, new and distinctive measures of operation would be adopted in San Francisco. Our client accepted.

Hicke: Louis, those two last cases would have made a nice combination, a little prime rib with your bottles of wine! [laughter]

Heilbron: Right!

KQED and the Tower

Heilbron: Now about KQED and the sky-piercing TV tower. KQED and other stations had their broadcasting apparatus on Mount San Bruno which is, I presume, in Daly City and is a small mountain, but of sufficient size to have enabled them to broadcast successfully for a number of years. But to take advantage of a greatly expanded area of reception, the large broadcasting organizations wanted a better facility, and they settled on Mount Sutro. So a corporation was formed to develop and own the facility and then lease the arms on which the broadcasting apparatus was hung, and the big stations agreed. But in order for the project to be approved from a federal communications standpoint, they needed one or two additional hang-ons. Public television was considered to be the key to this arrangement. KQED, at first, opposed the whole concept. It felt that Mt. Sutro should be left in its natural state, and there was considerable feeling that it was on the "right side" of civic pride and the environment.

But it looked rather clearly that this tower was going to be built. I advised the president to make an issue of this matter.

Hicke: The president of KQED?

Heilbron: KQED. His name was Dick [Richard] Moore. We brought it before the board of directors, pointing out that everybody's antenna was going to be pointed in certain directions from the high tower, and ours would be going in another direction if we didn't change. At least it appeared that it would be much more difficult to receive KQED on an ordinary set after the tower was built and functioning if KQED still maintained the San Bruno broadcasting facility. And that it was important for the survival of this station to make the transfer. The project was going to be completed irrespective of KQED, some acceptable broadcaster would be found, and there was no use tilting at windmills; in particular, we had better get our own windmill

going to be sure that we had the benefit of not only the high tower but of the much larger area for communication that the high tower would make possible. The name of the law firm representing the tower was Cooper, White & Cooper, located in the same building that we occupied. There was a time pressure too on the whole thing. I can't give you the details on the negotiations for our going on the tower, but we were quite important at the time, and we got the most phenomenal deal with respect to rental, compared with what commercial television had to pay, and all the other commercial people agreed to it, which was good for the city.

Hicke: Because it was a public station?

Heilbron: Yes. As a public station, we were important for them to have, but we didn't have the money to pay the same competitive price, and our percentage was pretty low for both Channel 9 and Channel 32 as well. And we had a long-term lease. What the situation now is, I don't know, because the lease probably has come up for renewal in recent years. But there was no doubt the station gained a great deal and, as a matter of fact, I don't think it would be near the station that it now is if it had remained on San Bruno. I wonder whether it could have been financially maintained. Well!

Hicke: What were the other stations paying? Do you have any idea? And also can you tell me approximately when it all took place?

Heilbron: The commercial stations were paying a great deal more than KQED, but I can't give you the figures. The agreement to go on the tower was made in 1970. The tower was almost finished when Dick Moore came up to my office for some other legal advice, and my office in 44 Montgomery had somewhat the same view that you are looking out on now.

Hicke: We are looking out now with a nice view of the Sutro Tower.

Heilbron: That's right, but ours was over farther and so the tower was more in evidence from my window. And we looked at that, and there was the rest of the city with its contours still intact, and there was this tower, and I said to Dick, "My God, did we do that?" [laughter] Because it doesn't add too much architecturally to the skyline, though sometimes it seems to disappear. And of course, on foggy nights, you can't see it at all.

Hicke: Well, I find it an intriguing part of the skyline, because very often the fog comes in and you can see the tip of it above the fog. Or sometimes you can see the tip of it and part way down

and then the rest of the whole hill is covered, so you just get this view of the top of the tower.

Heilbron: But not as mysterious as the Golden Gate Bridge partially hidden by fog!

Well, in my past, among other things I did for the World Affairs Council, one was to moderate a program on international relations for them--I guess it was the late fifties--and at that time there were no panel discussions on international relations from the networks. There were none in the city sponsored by anyone. KQED gave us free time. We broadcast at 6:00 on Sundays and 7:00 prime time. It shows what the difference is, in the growth of public interest in international affairs, in the following that top panelists have developed in such programs as *Washington Week in Review*. Not that our programs were comparable, although we did try to get the most important international visitors passing through the city and interview them with the panel. And I would go up there to Mt. Sutro on nights when I couldn't find my way on the streets, let alone see where the station was.

Hicke: [laughter]

Heilbron: So I know what it is to get there on a foggy night.

Hicke: Sure.

Heilbron: But of course it worked very well.

Hicke: Then they abandoned their San Bruno Mountain--

Heilbron: Oh, yes.

Hicke: There is something still up there. Some other television station took it over for a while, I guess. And now I think the whole thing is empty, but--

Heilbron: Well, what they did with it, whether they sold it or how they transferred it, I don't know, that went into the past.

Power in Bureaucracy

Heilbron: I don't know whether this is of interest or not, but I refer to my interest in ERISA, the act under which profit-sharing and pension plans were authorized and established when you had to

apply and meet the conditions of the federal government. I was quite active in this field in the early 1970s. I've touched upon that.

But a person by the name of Goodman, can't remember his first name, was the head of a minor agency in the federal government that was created to handle all of these applications for profit sharing and pensions. And he would give speeches around the country when new regulations were issued. His speeches were most technical, occupying maybe ten to twelve pages of print. You could, by studying them, understand him, but when you heard them you took notes as well as you could and then you just waited for the publication to come out. I went back to meet Mr. Goodman in Washington about one of our pending plans, and he had a very modest office. He put out, oh I don't know, he must have given close to thirty major speeches which encompassed the major regulations. It suddenly dawned upon some of us that this unknown man was dealing in operations involving millions and millions--perhaps billions--of dollars in the set up of all these pension plans throughout the United States and this was a hardly known bureaucrat.

Hicke: Talk about power!

Heilbron: I believe someone picked up the story and wrote a magazine article about it. But it amazed me.

Well, finally I may refer to a recollection I have in labor negotiations. It was when the Teamsters and the big trucking industries--and we represented P.I.E. (Pacific Intermountain Express)--wanted a certain amendment to a statute that clarified the extent of a permissible trucking route, that is how long a route you could give an individual driver or drivers. I was to go up to the Fairmont Hotel where the Teamsters were staying, and the Fairmont Tower was fairly new at the time. I went up almost to the top floor in the tower and knocked on the door number I was given. That opened up into just a magnificent suite, and there were all kinds of goodies around in the way of hors d'oeuvres, liquor, and so forth. It was a most enjoyable conference. I was so struck by the room, I think they had two rooms together, that I think I found out that that suite then cost $38.00. Now--

Hicke: Oh no! Now this must have been in the early seventies, because Pacific Intermountain Express came with Paul Wolf--

Heilbron: That's right.

Hicke: And didn't he come back to the firm in 1959 maybe?

Heilbron: Yes, because Mr. Dinkelspiel was alive when he came back.

Hicke: So maybe this was the sixties?

Heilbron: Now of course I would have to check on that dollar price if that ever became an important item!

Hicke: That's truly amazing.

Heilbron: I think those are the items that would be anecdotal that you might be interested in.

Legal Work Over the Years

Hicke: Tell me how your work with the firm evolved over the years.

Heilbron: I am afraid that this may involve some repetition.

Hicke: That's okay, especially if you include a comparison of the modern firm with the firm you entered.

Heilbron: I think I mentioned that in the 1930s, the associates did a bit of everything. There were wills and trusts, bank problems, contracts, occasional trials, foreclosures unfortunately on mortgage-secured loans. And incidentally, at that time Eleanor Roosevelt would write letters to either the bank or the attorneys if she had received appeals from people whose land was at risk and the mortgage was about to be foreclosed, and for some of these, when you referred to the letter, the bank would give further time to look at the situation again, and Mrs. Roosevelt's intervention was interesting, unusual, and frequently effective.

The trust department of Wells Fargo was very strong--I think the best of any of the banks in San Francisco. But I believe I mentioned that during the Lipman era, they had to take up anything involving a possible legal question with their attorneys. So we saw a great deal of the trust officers in important and unimportant matters.

We had occasional claims in bankruptcy. There was a great amount of legal research. I talked about the government alphabet agencies and the Japanese situation. We organized corporations and partnerships and we were very active in the probate of estates, because almost every step in probate in those days had to be taken before the court, even if the matters

were uncontested. There were occasional divorces and settlements. We did not take divorces even then that were contested divorces, except possibly for a long-term client, but we did negotiate property settlements. There was a certain amount of litigation to which I alluded before; there was a good deal of business counseling.

Hicke: When did you make partner?

Heilbron: I made partner in 1948. Of course I had gone through a time in the 1930s when I had a part-time arrangement with the Relief Administration and Department of Social Welfare, which the firm was kind enough to allow me to keep. When I came back from World War II, I gave up everything outside.

Hicke: I see.

Heilbron: And so I was made a partner within a couple of years, January of 1948. Of course in those days partnership was a seven- to ten-year proposition, and in my case much of my work in the thirties allowed for my consulting position with the state.

Other Legal Matters##

Heilbron: I gave you an idea of the people for whom I had done labor work. Now, during the 1960s and until my retirement, I think my own practice changed considerably. I would say that the labor matters took about a third of the time. Other matters like the acquisition of the land and the building and development of a cooperative apartment house, and the competition for the Gateway, and the purchase and sale of businesses, and a miscellany of client interests took the balance. I represented Mrs. Neustadter, who had quite a bit of real property in San Francisco and Oakland that involved a number of leases. In one large warehouse lease, I fought quite hard to get her the most revenue I could and to limit the amount of construction work required of her to put the premises in order, and after the lease was agreed upon with John Morrell, the president of John Morrell said, "Well, if you can fight that hard for that lady, you can fight that hard for us." And so I became the counsel for John Morell in California.

Hicke: Oh, very good.

Heilbron: Then there was a New York lawyer by the name of Feldstein who referred me to a man by the name of Arthur Laskin, who owned substantial properties here. I handled the leasing and the sale of those properties and--

Hicke: Commercial property?

Heilbron: Yes, commercial properties, including a large building on Market Street. Various unrelated matters: I got involved in selling a book to Walt Disney Studios that never was produced into a picture, but we certainly had a rather interesting negotiation with respect to the terms. So it was a varied practice, and of course the sale of Gump's was an important transaction involving negotiations with various prospective buyers, and the final sale contract and lease of the building to the successful buyer, and there were Richard Gump's family matters. Mr. [Yehudi] Menuhin had professional property and family matters that called for a good deal of attention from the beginning of the 1960s to retirement. So about two thirds of my time was in what you might call "general practice," though largely in real property matters.

Hicke: And was that because of the something of decline in labor practice that you were telling me about?

Heilbron: In a way that was. It became clear that for contract negotiations, except in the most unusual case, it was better to have your relationship to the union on as large a scale of representation as possible. So I encouraged clients to join associations, and let the association bargain for them. It was much less expensive for the individual client, and the middle-class client really could not afford the cost of a lawyer's negotiation. Because as I told you, they frequently were dragged out. Negotiations were dragged out, and if the lawyer was going to represent the client's interest properly, he'd have to stay there until the wee hours, until the agreement was reached. That was one factor.

Then employers became more educated and sophisticated about how to deal with their personnel. They employed personnel directors. The personnel directors would tell them, "Now if you are going to have a good work force and one that is not likely to sign up with the union, you'd better pay them according to what the appropriate scale should be." The result was that the unions found it rather difficult in the private area to get a majority of the employees to join them. There was a falling off of unions controlling private industry. So what developed, I think after 1974, was a new area of negotiation in the retirement programs. But many of the employers had already

installed retirement programs, and even that didn't succeed too well from the union standpoint. In many cases, the retirement program was confirmed in negotiations, but the union wanted to have the right to negotiate amendments to the retirement plan. If they could get the plan within the collective bargaining agreement, they would be in a better position to do so.

I think that in the early 1970s, the energies of unions were turned to public employees. Now they still hold a number of important contracts in San Francisco in the retail industry, and transportation, hotel, and culinary services are very important since San Francisco is such a tourist city. My own view is that employers came to the conclusion that maybe if they paid higher wages and benefits and had a relatively contented work force, they could pass these increases on to the consumer. The consumer has solved many labor/management difficulties. Instead of trying to hold the price as low as possible by reason of cutting down on labor costs, the employer said, "Oh well."

Rube Goldberg, the cartoonist, used to draw a number of cartoons where the poor consumer was a little man down in the corner. And they said, "The consumer always pays." Well, that idea has probably resulted in the by-pass of more union organization than any other factor.

Now, I mentioned the profit-sharing and pension plans. Those really started out as part of labor work because they provided benefits that went to the employees. I guess when I started out, I must have drawn about twenty plans for Ampex, Hyatt, and others. I don't know whether Hyatt still uses it nationally, but that's the way it started. I guess all of these plans have undergone considerable revision.

Hicke: This would have been after ERISA?

Heilbron: After ERISA.

Hicke: Okay, 1973.

Heilbron: As the plans became more and more technical, and as Mr. Goodman gave more and more speeches, it was quite obvious that legally it was more of a tax matter than it was a labor matter. While Mr. [Keith] Betzina and I worked on some together, ultimately, Mr. Betzina took over that work, and he had been in the tax department.

Hicke: Oh, I see.

Heilbron: And so he has handled those matters since. Let me see: I'll finish with this observation. In the labor field and in the department store field, we sometimes received what would be rather minor problems, and I would give these to associates to work on. I assume that some of the associates would feel, "What am I working on this problem for?"--some problem relating to returned merchandise, and whether Gump's should reimburse the purchase. But what was not realized was that Mr. Gump had called about this question. He was most interested in this question.

Hicke: This individual item that was referred or something?

Heilbron: This individual item came to his attention, and he considered it to be a policy matter with respect to the firm. Or there had been some representation the salesperson made, and what really was the responsibility of the firm in connection with that representation? Maybe it was outside that person's scope of selling. In any event, the individual item would not be too important. But when the president of the company sees that his law firm will handle a minor matter and give him an answer within a day or two, he is inclined to continue his relationship with that firm. And that is something that some of the younger people didn't understand.

Growth of Heller, Ehrman

Heilbron: In your other interviews of Heller, Ehrman partners, one of them said that it's not the same old firm of the 1960s, and of course that is true. But I think you'll find that enough of it survived to make it a friendly and distinctive firm. I'll comment on this later. Then there was some comment about the rivalry between the litigators and the corporate group and whether if Lloyd Dinkelspiel, Jr., had lived, the firm would be an entirely different operation. He and Julian Stern envisioned a greatly expanded practice in connection with the financing of acquisitions, joint ventures, and other enterprises. I believe that he too had to adjust to the trend or the push of litigation. But his view of the importance of corporate and nonlitigation counsel has had a lasting effect. I think there is respect between the two groups. The main point is that you have to recognize reality, and every firm in San Francisco that has a large office has had a tremendous increase in its litigation department. You couldn't resist that tide.

Great credit must be given to M. Laurence Popofsky, Steve Bomae, Curtis Caton, and Weyman Lundquist for building the litigation department. Popofsky has been the clearly acknowledged leader.

Hicke: Yes. An article in one of the legal newspapers called this firm a litigation-driven firm. Which as you said, probably most firms are now. Would you say that characterizes the firm?

Heilbron: Well, I think litigation-driven suggests that is the engine that runs the automobile. But a tremendous amount of corporate counsel work goes on day by day. And corporate relationships are a source of litigation referrals.

Hicke: But I think that is a good point that you brought up: perhaps this mutual respect is left from Lloyd Jr.'s ideas.

Heilbron: It may well be. It may well be.

Hicke: Okay, that is a good way to look at that.

Heilbron: Cap Weinberger was in charge of litigation in the early sixties just prior to the expansion drive of the new, young associates. He was a lawyer of remarkable fluency--even when briefed in a taxicab on the way to court. Though a nondrinker, he handled many matters in the Alcohol Beverage Control field for the liquor interests the firm represented, such as Hiram Walker.

He was and is a man of many talents. Cap moderated a TV program on local issues for KQED titled *Profile Bay Area*. He wrote book reviews for the *San Francisco Chronicle*. And he began his political career in the California State Assembly with the support and encouragement of his colleagues in Heller, Ehrman and his able wife, Jane.

Public service was the life he mainly wanted to pursue and ultimately it led to the directorship of the California State Department of Finance and several positions of cabinet rank under the Nixon, Ford, and Reagan administrations, ending with an extended, well-known period as secretary of Defense. Currently he is publisher of *Forbes* magazine. His national status is unique among those who have been or are members of the firm.

Now let's get back to other things. Oh, did you want me to indicate the people, the associates who worked with me?

Hicke: Well, yes. I think that would be helpful.

Heilbron: Well, some of the associates who worked with me on labor matters were George Clyde, Nancy Lenvin, Alvin Baum, Von Eckhart, even Bill Coblentz for a short period. Kit Kaufman did some work. And there were several others. Some became partners. Others left for independent careers, Bill Coblentz being specially distinguished in his own firm and as a regent of the University of California.

As I mentioned previously, the labor field interested all of them. They liked occasionally to get problems in this area, although they gave no indication that they wanted to have a complete practice in it. It was very easy to recruit and get assistance on labor problems.

Hicke: Maybe that had something to do with working with Louis?

Heilbron: No, I think the field was the interesting part. It also arose from the fact that we were then a smaller firm. For quite some time if you had a problem where you needed assistance, it was possible simply to recruit someone you thought would be interested, and if he or she had time, you would take him or her on. You did that on an individual basis, and people collared people in the hall who would be interested in working on their problems.

Hicke: [laughter]

Heilbron: And so that is the way a lot of it was done. However, where an associate was pretty much within the supervision of a particular partner, and reputed to be doing his work, I would ask that partner if he could spare him for a particular job.

Hicke: So some associates worked fairly closely with a partner, and others were sort of--

Heilbron: And others had more of a general relationship with various partners. I think the effort was made after maybe the latter part of the 1950s to have supervision over particular associates.

Hicke: Have we omitted any social aspect of the early days it would be well to cover--wasn't there a story of "Brockway to Sugar Pine Point," where the Ehrmans had a house on Lake Tahoe?

Heilbron: Oh! Well, there isn't too much of a story here. My wife and I took a vacation in Lake Tahoe and went to Brockway. I am quite sure this was in the 1930s. We were told by Mr. Ehrman that when we did come up there, I should communicate with him or Mrs. Ehrman. So I gave him a call and immediately received an

invitation to come there for lunch. I said, "I don't know how we'll get over there unless there is some kind of service around the lake." We didn't have a car up there. Mr. Ehrman said that was no problem at all.

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Heilbron: They would send us a boat. They gave me the approximate time when it would arrive, and also he said, "Not to worry, you can spend a nice afternoon with us and we'll send you back by boat!" So that was pretty much the story of it.

Hicke: I think that you said that the boat had a uniformed captain, or something?

Heilbron: Sure. It was a speed boat, of course. It was a perfectly lovely ride across the lake. We felt rather upset causing so much trouble. There were quite a few others at the luncheon. And so here we were with our own boat to take us forth and back.

It was always quite interesting going to the Ehrmans', whether in Tahoe or in San Francisco, with respect to the cocktails. The cocktails would come prepared beautifully. But there was an even number of Manhattans and martinis! And that was really the choice. Now if you were a naive associate, you might ask for a Scotch.

Hicke: [laughter]

Heilbron: I don't know where that put you on Mrs. Ehrman's list. It was expected that you take one or the other.

Hicke: And what was the luncheon like?

Heilbron: Well, I can't remember what the luncheon was like. But I can remember one of the dinners they had.

Hicke: This was in San Francisco?

Heilbron: This was in San Francisco. The first course was an oyster course, with Olympia oysters. They were arranged on a fairly large plate in concentric circles so that you had this beautiful you might say, oyster target!

Hicke: [laughter]

Heilbron: I don't know how many you can get on a plate in such a manner. It was memorable. I can't remember anything else about the dinner, but that I remember.

Hicke: Would they just have members of the firm out to dinner, or the whole firm, or associates, or--

Heilbron: Well, I don't know. I really don't know the extent they had firm members. I know that Whit Tenney and Martin Minney went out there. And, of course, Dick Guggenhime. The senior partners certainly. But I don't know the extent to which they-- They did not have, at least in San Francisco, they did not have parties where all of the attorneys assembled. They did it on a basis of mixing his legal partners with their other guests.

Hicke: Oh, I see.

Heilbron: As far as I know.

Hicke: Yes. When you were there, there was nobody else from the firm there?

Heilbron: No. I sat next to one of the leading (I guess) socialites in San Francisco, a lady with whom I had had some difficulty sharing experiences. [laughter]

I don't know what part of the family to identify as the hosts, but I guess it was the Dinkelspiels in the Hayward/ Dunsmuir situation who invited all of the partners and associates once a year to their summer party, and that was entirely a firm party with occasional friends. For example, I remember Sam Glikbarg, who was the president of Pacific Intermountain Express, who had been Paul Wolf's partner, being there, and maybe there would be a few outside. It was definitely a party for the firm. Now Mrs. Hellman, Sr., had her big house on the grounds. We all went to pay her a courtesy visit. But the Dinkelspiels had a home there too. So I believe that the Dinkelspiels were the real hosts, rather than any part of the Hellman family.

Hicke: Somebody told me that Mr. Dinkelspiel was barbecuing in shorts and--

Heilbron: I did that.

Hicke: Oh yes. Okay, you did that story.

Heilbron: Yes. And the butlers would seat you at the table.

Hicke: Yes. [laughter] Okay, well I don't need to pass your own story back to you.

Outside and Inside Activities

Hicke: Now tell me about the firm's view toward outside activities.

Heilbron: First of all, I should tell you that when in the early part of my association and even later on, an offer of major responsibility from a community activity was made to me, I would ask Mr. Dinkelspiel or Mr. Ehrman whether I should accept it. It was bound to mean time outside of the office.

Hicke: But this was your own time, this was not work pro bono for the firm we are talking about.

Heilbron: Well, it was mostly my own time, but it did involve time away from the office. I'm talking about pro bono work in relationship--

Hicke: With the firm sponsoring it?

Heilbron: The firm encouraged participation in community work. They felt that there was a certain amount of identification of the firm with that kind of service and that it was good for the firm to be known in the city for that kind of participation. So, that was our construction of pro bono. Now as the years have gone by to the present, the kind of activity which several of us engaged in, in those days, seems to be hard for many to achieve now. The pro bono work is mostly within the legal field. It's in the legal aid field.

Hicke: Yes.

Heilbron: It's in the public defender's office giving supplementary assistance. And with the Urban Committee of the San Francisco Bar Association. Now all of this is fine work but probably is more easily fitted into the work of a given lawyer than work that is completely outside of the firm.

Hicke: I see.

Heilbron: Not that it's entirely been given up in the way we used to do it, but there are other considerations that come into the picture. That is, directors of nonprofit associations are subject to lawsuits, and it means that the firm has to be careful to cover itself for possible malpractice actions. It's much more of a problem to do this kind of thing than it was. In a way, I think it's too bad. Because the analytical abilities of a lawyer, the way usually he tries to clarify issues and keep matters on a board [of directors] to some kind of point is a

valuable service. Also, to note a legal problem when he sees it that other people may not.

Hicke: Before the fire catches on.

Heilbron: That's right. So there seems to be a little change there. I went to Mr. Ehrman on the first one, I know. And he said, "Why, by all means, take it. We encourage it, we think it's a good thing." So I continued to do this, not with every assignment that I felt that I could handle, but anything that was major.

For example, by the time that Dick Guggenhime succeeded Lloyd Dinkelspiel as the senior partner of the firm and in charge of the firm, we had a talk, because I knew I was to be nominated as president of the State Board of Education, and we were going through some difficult times. I asked whether I should accept. If he wanted me to be more in the operation side of the firm, I would simply decline. Dick said no. In fact, it was probably more important that I continue with outside interests and activities then than it was previously. Because Mr. McAuliffe we'd lost, Mr. Dinkelspiel, Sr., we had lost. So I went on accepting assignments as they came along. Although I can honestly say that I did not seek them. However, I would get on a board [of directors] and sooner or later I found that I was leading it. But Dick did say this, and he kept his word on it, he said, "If there are major questions that come up, I will talk to you." And he did.

I remember we sometimes went home together in his car taking me or my car taking him, and we used these opportunities for discussion of office matters--whether to retain or to sever a relationship with someone, there was a difficult case involving dishonesty, a client's problem with respect to an illegitimate child, and how to manage that problem in fairness to all of the parties. There was a question of expansion. Dick was not for quick expansion. He was concerned about expansion.

I know that he talked to me about whether we should go to Hong Kong, and he said, "Well, anyway, they tell me that they are going to go for a trial period of two years." And I remember telling him, "It will never be two years; in two years they will say, 'We're just getting going and now you've got to give us a chance to prove it.'" That is subsequently what happened. Although Hong Kong was a good experience for all involved, it was never what I would call a big money maker.

I remember saying that I thought that you never get anywhere in expansion where you don't have local roots. It wasn't enough to send someone from here. He had to become part

of that community and build up relationships of trust in the community. I think he felt that way too. So expansion, I guess great expansion, occurred after his time.

It also had to do with our own recruiting. When we talked about how many of each class should come to the firm, I felt that we were not a university that graduated people every four years and therefore needed to have a complete replenishment. What we got, we took for a long time and there should be some limit somewhere. I think he felt strongly about that too. So I guess what I am saying is, I did have opportunities to participate in what the firm was doing but not too much in any formal way with two exceptions. One of them, I was made the first chairman of the Happiness Committee.

Hicke: Oh, I've been wanting to hear about that.

Heilbron: Which committee, whose name I loathed, and I almost didn't accept on account of that name.

Hicke: Because it sounds frivolous?

Heilbron: Well, it sounds as though it was a rah-rah committee, a rally committee for law professionals, and I thought that was not too dignified. But actually what it amounted to was an attempt, certainly at the beginning, to involve associates in the firm, to make them feel like they had a voice, that if they had problems they could bring them to the attention of the firm's partners; that they were very much a part of the firm in the sense that all of them had the opportunity to look forward to possible partnership. I know that [George] Clyde was an early member, and he had some definite ideas.

As a result of the organization of the committee, the partners saw associates more often, and there was a social side, definitely. There was an encouragement to go to a coffee room in the Hobart Building. There were many more social events where associates and partners mingled. Then once a year, the wives of the partners and the associates, or as they say, the "significant others" attended. So that we developed at an early point, a more extensive set of social relationships, which still continue. I notice that they have extended that area, the fun recreation area, to a fairly large field. I note one thing I thought I would show you here: there is a Rock 'n Bowl [newsletter] update. That I don't think would have been thought of in our day when it began. The matter of forming a Happiness Committee was widely discussed before it was authorized, and someone said, "What is this idea of making everybody feel good--

if you want to make the people happy, call it the Happiness Committee." So it was almost named derisively.

Hicke: Was it mainly social activities or entirely social activities?

Heilbron: Oh no, I think that it was half the kind of morale building that I talked about. It really was a congeniality committee.

Hicke: Can you give me some examples of some things that were done for that half?

Heilbron: One example was that an associate who had anything that was on his mind, whether he didn't have enough secretarial help, or perhaps he didn't have enough opportunity to get exposure to different types of practice, he would come to some member of the Happiness Committee who would look into the matter and try to get the problem solved.

Hicke: So he would write a memo to the head of the Happiness Committee?

Heilbron: No, well, there may have been memos (Clyde wrote one), but I think that it was primarily a word-of-mouth kind of thing.

Hicke: Okay, he might just drop in and tell some member of the Happiness Committee--

Heilbron: That's right. That's right.

Hicke: Okay, that's what I was trying to work out, as to exactly how this works.

Heilbron: That's right. But I do not know how it operates at present.

Another interesting custom. In the old days, when a litigator won, even a demurrer, he'd come home with a carnation in his buttonhole. There would be some kind of small celebration. Or if he won a trial court judgment. That was when the firm was small.

Hicke: So people would gather somewhere? Or just in the hall?

Heilbron: It was like the pitcher who had pitched a successful game--a mini-celebration.

Now the other committee that I worked on was the Pension Committee. I told you about establishing the firm's pension plan. The Pension Committee had to make evaluations on the appropriate funding of the employee plan and be responsible for

investing the funds of that plan and the partners' plan. Of course, we used outside investment counsel.

Hicke: On investing the funds?

Heilbron: On investing the funds. That got to be something of an important problem, because it starts out modestly but soon it gets to be a major responsibility.

Hicke: Sure.

Heilbron: There were three of us on that committee. Ed Rosston, Dick Guggenhime, and I constituted the original committee. After a while, Dick and I bowed out.

Overview

Hicke: Now about the overview--the comparison of the modern firm with the one you entered.

Heilbron: Yes. At almost every annual meeting of the firm, one of my partners will ask, "You've seen Heller, Ehrman over almost fifty years, with all the developments and changes. How do we compare with the firm of the early days?" The answer can be short or long. A brief reply is that the partnership in most aspects is entirely different. An association of thirteen with offices on one floor of a small building with essentially a local practice is bound to be different in kind as well as degree from an association of close to four hundred spread over four states, with 175 lawyers located on nine floors in San Francisco alone.

Hicke: That's quite a change, I would say.

Heilbron: Fortunately, two constants remain: the quality of legal performance continues to be very high, probably better than ever, and the spirit of collegiality, of friendliness among colleagues, generally continues to prevail.

Hicke: That's hard to keep in an organization of that size.

Heilbron: Yes. I'll perhaps make mention of it in the course of these remarks.

Size in itself brings about changes. In the small firm, everyone pretty much knew each other, the business, and what was happening throughout the firm. You dropped in on your partner

or associate casually for help or a chat, you bumped into them in the hallways, you had exchanges in social life outside the office. You knew where and how long he was going to spend his vacations. I recall that even Sidney Ehrman, the head of the firm, when he was going on a vacation, would come to every partner and associate and tell them where he was going, and possibly what he expected to see. And if I went on a vacation, I told most of my partners when I was going and what kind of interesting trip it might be.

The practice was largely in the area of personal service: estates, trusts, divorces, property settlements, with a single major long-term corporate client, the old Wells Fargo Bank, whose departments and personnel you knew well. Of course, there were occasional other important corporate or public interests, such as representation of the Six Companies that built the Hoover Dam, and the Bridge Authorities that built our bay bridges, and including some trial and appellate work for various clients. But the bread-and-butter services were as generally described.

In contrast, the firm now is specially known for its litigation practice. It has expertise in our interstate business and environmental law. As a comprehensive law firm, it has a large corporate division, and tax, and labor law, and intellectual property departments. And among the more interesting developments is that the Bank of America has become a very important client. The scope of the practice has been widely extended.

Hicke: In subject matter?

Heilbron: Yes, and this situation has to be reflected organizationally. Instead of one or two partners taking the burden of directing and managing the firm, there is a general chairman, a kind of CEO, managing the firm. There are policy and group practice committees, administrative managing partners for regional offices, compensation and hiring committees, a panoply of authorities that must be shown on a chart to be understood. And understandably, the whole organization, instead of being an association of individuals, is a corporate association of individual corporations.

Hicke: Oh yes, that's right.

Heilbron: In earlier days, one climbed up the ladder of service to partnership and no one transferred to partnership from the outside. Now it is not unusual to gain leadership and authority in a field by admitting a lateral partner. Occasionally, the

firm loses a partner in a reverse process to another firm. Collegiality does not inhibit ambition.

With the increase in numbers, there has been improvement in opportunity for women and minorities. Fifty percent of our associates in the San Francisco office are women. A woman was managing partner for all our offices in the last two years, Jessica Pers.

This contrasts with the all-male lawyers during most of my day. Heller, Ehrman led the city's legal firms in disregarding religious affiliation from the date of its first partnership, so it is no surprise to note that its minority employment record of attorneys has been exceeding bar association goals. However, despite strenuous efforts, the firm has encountered difficulties in employing and retaining blacks and Hispanic lawyers because of the fierce competition to recruit and retain the best and the brightest from a limited pool of achievers.

Hicke: They also like to go as solo practitioners sometimes.

Heilbron: Sometimes they like to form their own firms, and they go into industry. They like to become vice presidents of banks and insurance companies.

Hicke: They're after them, too.

Heilbron: They're after them, too, so that it is difficult to meet your objectives, even though you try to, and even though you could get criticized for not doing as well as you wanted to.

Many firms throughout the country have evolved in the same way through the last half of this century as we have--I mean, a concentration on litigation, where they didn't have that concentration before, and when they grow, they grow into comprehensive law firms.

Another feature, characteristic of the changes in legal practice, has been the use of vastly improved technological equipment. The basic typewriter and electric typewriter have been superseded by the word processor. The writer of a brief no longer has to agonize over whether changing two or three pages will burden his secretary to work all night to produce a revised brief with its necessary carbons. Research has been made more accurate and comprehensive by the availability of computer resource services.

Hicke: But somebody also told me that a fax machine, for instance, has changed practices because people now expect instantaneous replies and solutions to their problems.

Heilbron: You can't tell them that it's in the mail. [laughter]

Hicke: Yes, exactly.

Heilbron: That's quite true.

Hicke: And you can't tell them, "I need a week or two to do this research and have it written out and typed up," and so forth.

Heilbron: Well, you can tell them, but they're not likely to accept that as a valid excuse.

No case needs to be missed these days because of a failure to find authority. The computer service will put you in touch with yesterday's decision in a faraway jurisdiction. Something might happen just in your field in Indiana and, while that's not necessarily the commanding authority in California, it's persuasive authority, if it's the only case you've got and a court has considered it and determined a principle with respect to it.[1]

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Heilbron: That's why I say that the quality of practice is probably better than it ever was, if you have enough people to man the fax machines and enough librarians to help you in the library.

Hicke: Well, that's probably another change, isn't it?

Heilbron: Oh yes, we've got librarians, whereas we did not have staff to help us in our research in the earlier days.

Heller, Ehrman has always been proud of its pro bono work. But in the earlier days, it was evidenced by activity in educational or charitable and cultural programs on university, opera, symphony, United Way, and community center boards and in various bar associations. Currently, pro bono is concentrated in legal services for the poor and the disadvantaged. Both kinds of services are needed and benefit the community, but I believe it is a mistake to forego the organizational side of pro bono. The firm is engaged in reviewing this matter, that is, to encourage its partners and associates to do a little more in the community field.

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[1]End of interviews done for *Heller, Ehrman, White & McAuliffe*.

Hicke: I think the firm itself supports cultural activities, doesn't it?

Heilbron: On a contribution basis.

Hicke: I see.

Heilbron: But we're talking now about individuals. The individual lawyer, through his ability to analyze issues, can contribute a good deal to an organization that others may not be able to do.

Hicke: Well, part of this perhaps came about because it became increasingly difficult for members of a firm to serve on a board of a corporate client, for instance. Is that part of the same thing?

Heilbron: Well, that's a little different. That's a little different, because serving on the board of a corporate client does put you into an exposure of liability. And secondly, it might put you into a conflict relationship with respect to other potential clients who are competing with that corporation. But still, there are some cases where being on a corporation board is an advisable status for the good of the firm, including taking on the risk of liability.

Hicke: In the case of a nonprofit corporation, would that make a difference?

Heilbron: Well, in the case of a nonprofit corporation, it doesn't make much difference in the way of conflict of interest, but the liability potential is still there. Now, for example, I doubt whether we would encourage or accept a person going on a hospital board, where the exposure is considerable. On a cultural board, the symphony, I don't know that you can do much damage or they can do much damage to you. There can be negligence, I guess, in board management, but it's a rather remote possibility.

Hicke: What about some changes in the techniques of practicing law, or have we finished with pro bono?

Heilbron: No, I think we've said enough on the pro bono situation.

Yes, there is an interesting development of practice in both the litigation and the corporate fields in the use of a team of lawyers to attack a complex case; for example, a trial expert, an environmentalist, a tax specialist in a matter involving contested insurance coverage. Team service costs a good deal of money, and clients are more and more inclined to

take a hard look at the extent to which the practice is employed, because it's got to pay for all these people, and are they always necessary?

Hicke: That's a change, too. Clients never used to take a hard look at all of that, I have been told.

Heilbron: Clients are taking an increasingly hard look at the procedures and the billing practices of their counsel, and the larger clients do this through their corporate counsel. Their general corporate counsel controls the referrals to outside attorneys. They are interested both in the quality of the work of the outside attorney, but they're also interested in how much it's going to cost so that you are getting competition between large law firms, almost like advertising agencies going after a particular account. It's not that, oh I don't know, it's not that common. I mean, you're not after, you're not a firm making a presentation with a whole plan of operation against another plan of operation, as advertising agencies do, but you are exposing yourself to general discussions.

And the future of legal practice is more and more tied to the attitude of general corporate counsel. [Let's say] there's a woman who's the head of the corporate counsel for a corporation, and you don't have any women on your staff. Do you think you're going to get that account? That kind of consideration is also present with respect to minority employment. Billing policies are compared and also your firm's use of team practice. So the competitive element in legal practice is evident in a way that it wasn't before. Of course, there has always been competition for clients between legal firms, but the line it now takes is harder.

Compensation for lawyers, which is tied to the costs, in large offices is very high. When I started practice, a new associate in San Francisco was paid around $150 per month, and now it is close to $5,500 per month.

Hicke: Certainly in New York they are even higher.

Heilbron: Well, this is in San Francisco. Now it is about $67,000 per year. A new partner, usually after seven years' services, receives $165,000; mid-senior partners $300,000 to $350,000; and more senior partners from $600,000 to $1,100,000 a year. That kind of a financial reward represents increases far beyond inflation from the 1930s to the 1990s. This is what the market requires for talent.

Hicke: Yes, I was going to ask how you account for that.

Heilbron: Viewed from the perspective of a star baseball or football player, this compensation seems not significant, unless one takes into consideration the comparative short-time big earnings of the players, their risks and the comparative paucity of their members.

The criticism that too many lawyers are overpaid for the work they do has justification, in my mind. Clients are protesting. Discounts are getting to be more and more common. House counsels, as I've suggested, are beginning to control outside employment in a very effective way. The market may be righting itself and lawyers may have passed their peak period of earnings. A good development for the benefit of clients, lawyers, and the community, is the increasing use of Alternate Dispute Resolutions.

Hicke: Good, I'm glad you brought that up, because I had that on my list to ask you about.

Heilbron: Through mediation or arbitration, these procedures are less costly and bring about decisions much more quickly than the established court process. The arbitrator selected is usually an attorney, but can be a retired judge. Hiring a judge to hear and decide is not an unusual situation--that is, of course, a retired judge. That is in civil matters.

Hicke: As a longtime negotiator, how do you view this?

Heilbron: I think it is a welcomed procedure. Court congestion is relieved, which is another plus, and disputes are resolved and don't take forever. If you've got a long-shot case, you'll never go to arbitration. If there is a reasonable contest and it's a matter of judgment on damages, if any, and one side wants too much in the honest opinion of his opponent, and they want to get the dispute over with, they'll go to arbitration.

Hicke: I read, I think it was in the *Wall Street Journal* not too long ago, that more and more companies are now putting a clause in their hiring contracts, saying if there's a dispute you have to go to arbitration.

Heilbron: Oh yes, yes.

Hicke: That's not new?

Heilbron: Well, it's relatively new. You take your ordinary real estate leases, they provide that in the case of a dispute between landlord and tenant it must be taken to arbitration. The same

is true of insurance policies (as between insured and insurer) and many other kinds of contracts.

The reason is that juries are unpredictable, and verdicts seem to based on the idea that the jury feels, "Now, if I were in the shoes of the plaintiff, how much would I want?" [laughter] I don't know, that may be unfair. The jury system works pretty well, but I think--and we've been over this before --it's not the jury system that was envisioned originally, and the very unpredictability of juries makes it kind of hazardous to go to trial. The result is that most cases get settled before they get to trial before a jury.

Maybe I should just say that what it comes down to is that the practice of the law has become more of a business than a profession. As in medicine, it has become largely a practice of specialties. Career or lifetime association with a single firm is not as common as it used to be. Lawyers sue other lawyers for malpractice. That's not the way gentlemen used to behave, but nevertheless I think it's a legitimate procedure. I don't think that a lawyer committing fraud should be spared any more than anybody else committing fraud. Suits for alleged malpractice can be overdone, however.

The young lawyer has a hard time going it alone; just putting out a shingle will not do these days. He has to procure or have easy access to library facilities and expensive technology and equipment. Notwithstanding all these considerations, in a recent poll, Heller, Ehrman attorneys, by a majority vote, held that the element of most importance to them in their practice was the association and friendship with their colleagues. So something of the old collegiality remains and is the tie that binds, a little loosely, but effectively. So that's what I wanted to add.

Hicke: Thank you very much, that's an excellent overview.

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Heilbron: I am not going to give any further details of the firm's history because they are well and interestingly covered in your book entitled *Heller, Ehrman, White & McAuliffe--A Century of Service to Clients and Community*. However, I do call attention to the contents of the book dealing with the growth of the litigation department, the development of Heller, Ehrman into a comprehensive law firm and its expansion on the Pacific coast and beyond. I started a list of post-Lloyd Dinkelspiel, Sr., leadership of Richard Guggenhime, Robert Harris, Lloyd

Dinkelspiel, Jr., Julian Stern, M. Laurence Popofsky, Victor Hebert, Curtis Caton, Jessica Pers, Paul Mundie, Douglas Schwab --and then realized that the roster of all builders and rainmakers is much better left to your narrative. In this account I have limited myself to the San Francisco office.

Parents Simon L. Heilbron and Flora Karp Heilbron, circa 1900.

Louis Heilbron, editor of The Lowell high school yearbook, 1923.

Delphine Rosenblatt Heilbron, 1929. "The girl I married."

John and David Heilbron, 1940. "The lawyer (David) honors the professor (John)."

General Mark Clark pins major's leaves on Louis Heilbron, Vienna, Austria, 1945.

Austrian delegation to Industrial Labor Organization Conference in San Francisco, July 1948. Vice President Böhm and Minister of Social Administration Karl Maisel in center.

Louis and Delphine Heilbron on the Island Princess cruise to Alaska, early 1980s.

Dean Jesse H. Choper, Justice Frank Newman, Sam Kagel, and Louis Heilbron. Kagel and Heilbron were being honored as recipients of the 1989-1990 Boalt Hall Citation.

World Affairs Council event: Cas Yost (former president of the council), Dr. Robert A. Scalapino, and Louis Heilbron, circa 1987.

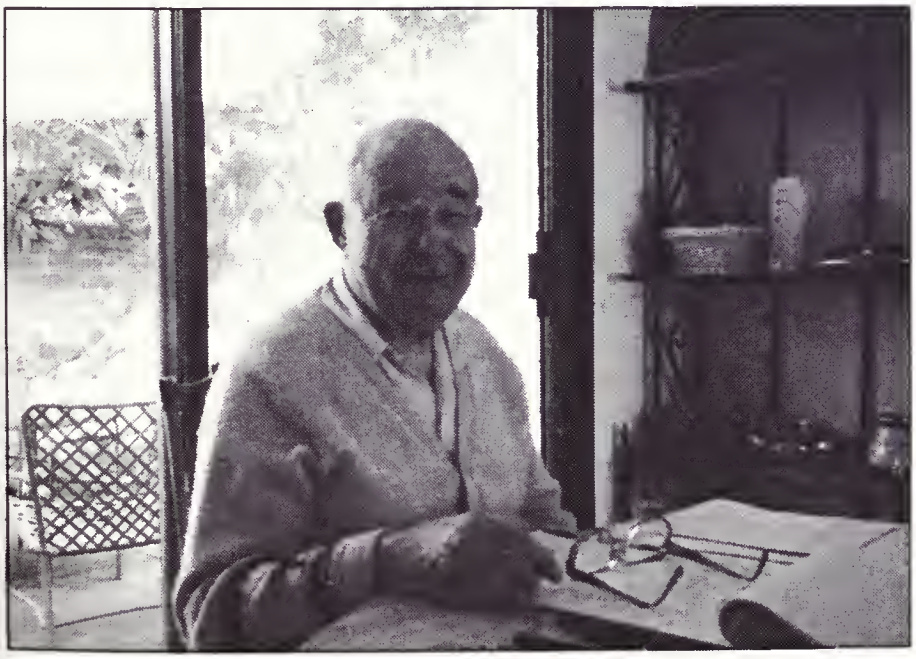
Event honoring builders of the World Affairs Council of Northern California, 1992. Council president Ambassador David Fischer is right, Louis Heilbron left.

David, Louis, and John Heilbron, 1992.

Luis and Delphine Heilbron at their Silverado vcation home in Napa County, 1992.

Luis Heilbron during the interview, 1992.

Photographs by Carole Hicke



California Historical Society tribute to Louis Heilbron, October 29, 1993. Executive director Michael McCone, Louis Heilbron, and president Edith Piness.

Among those greeting Supreme Court Justice Anthony Kennedy at a San Francisco lawyer's luncheon, Bernard Witkin and Louis Heilbron, November 1994.

Stephen Swig, Robert Rosenfeld (chairman of Heller, Ehrman, White & McAuliffe), and Louis Heilbron with Ambassador Morris Abram. Heilbron was given a Distinguished Service Award by the American Jewish Committee, San Francisco Bay Area Chapter, 1994.

V HIGHER EDUCATION: MEETING CHALLENGES IN THE 1960s, 1970s, AND 1980s

State Board of Education

Heilbron: Now, returning to government activity in the period of 1959 in January. Governor [Edmund G. "Pat"] Brown had just been elected and he asked me to become a member of the State Board of Education.

Hicke: Do you know how that appointment came about?

Heilbron: I had known the governor in high school, and his wife and I were in the same class at the university. Someone had conveyed my possible qualifications to him, derived, I think, from the Public Education Society work in San Francisco, and in any event, I received this call and accepted it. Bill Coblentz, then an assistant on the governor's staff, was most helpful in the process. The department, for years, had been under the control of Roy Simpson, the Superintendent of Public Instruction, an educator who had come from the Gilroy public schools, and a board of very good but rather complacent people who had permitted Dr. Simpson to run the establishment pretty much as he chose. They were good people, though, and they were cooperative with the new administration when we became installed.

In addition to my appointment, we had Tom Braden, who was the editor of a newspaper in southern California and who was a syndicated columnist for many years and later became headquartered in Washington. He was a good friend of President [John F.] Kennedy, and his wife was a good friend of Jacqueline Kennedy. He was a very public-spirited and knowledgeable young man.

Another appointee was Warren Christopher, who later became the deputy secretary of state, also a judge in the state of California, also president of the Stanford Board of Trustees, also the head of O'Melveny & Myers (and now secretary of state). And a Mrs. [Talcott] Bates from Monterey, who had been quite active in the public school system down there.

With this kind of excellent support, I became the president of the board. I believe due to the expiration of terms, as early as March of 1959 the new order could become effective, and we certainly turned the place upside-down. It became an enquiring board. Just what was the situation in teacher training? We heard there was too much concentration on methodology and not as much on substance. What about the textbook procedure? The textbooks were all printed by the superintendent of documents from plates made available to them, but the state could not purchase any completed books. It was our understanding that the best textbooks for the schools were published by general publishers who refused to lend their plates for publication by the superintendent.

Hicke: Where did their plates come from--California's plates?

Heilbron: Well, they came from the book people who were willing to develop the book to the point of the plates but not do the actual printing of it.

Hicke: But they weren't the best?

Heilbron: No, we didn't think they were the best. Once in a while they had a better book, but we were wondering about that situation.

We noted that there seemed to be a tremendous number of principals who came from the physical education departments, and we were curious as to why that should be and whether the academic structure wouldn't be better if more of the principals were drawn from the general teaching staff.

It appeared that teachers could be assigned to subjects with which they were not familiar. They weren't, many of them, teaching in the major that they had studied when they were in college.

Then one issue was thrust upon us which we didn't expect, although we wondered about what we were doing in the area of state colleges. There we had supervision as a matter of policy over the kindergarten through the state college system: all of the elementary schools, all of the secondary schools, all of the colleges--at that time I think there were thirteen of them--and

what could we do? Even though we held three-day meetings in a month, what could we do adequately to cover all of this ground? Were we effective enough on policy, particularly with respect to the colleges, selection of presidents and so on? Could we be, with all of the rest of the things we had to handle, could we be fair to our educational jurisdiction?

Well, these were all issues that we took very seriously, and I think in the press we were reported as starting something new and different in California. And we did wind up with legislation that did change many of the programs.

Hicke: Was this under the Master Plan?

Heilbron: No, that's coming. The Fisher Bill, I can't give you the time; it was passed either in the '59 or '60 session, and it encompassed a number of the changes that we thought were necessary. That is, except under unusual and demanding circumstances, a teacher should be assigned to teach in his or her major in the high schools; the qualifications for principals were more academically spelled out.

Hicke: Did you ever determine why so many of them came from--

Heilbron: Yes, because they got along with students. They touched students more than other people. They had some organizational experience with respect to the athletic program, which they could translate into organizational experience in the schools, but they could hardly ever be the source of academic inspiration.

Hicke: Was there some kind of administrative training required of principals?

Heilbron: I think that one element of teacher training for the certificate involved administration, but I'm not sure that there was a great deal of administrative training. And with respect to textbooks, we changed the procedure to competition. The Superintendent of Documents could print if the curriculum committee chose the book as being superior over the printed book, which they had then also the right to choose.

Now these books were mandatory in elementary schools. What the curriculum committee recommended, the board approved. After all, we couldn't read all of these books. We sampled a few of them and we thought, in a layman's view, they were bland and were not stimulating and were not what we felt would interest the children, but we couldn't exercise technical judgment. The curriculum committee was composed of experienced teachers who

read the books, they were the people who could determine the books to be recommended in a fairly solid way. But number one, they should have some guidelines on policy from the board as to what we were interested in. Let's just take the subject of justice to minority contributions. That was, I think, one of the policies we adopted. And they should have the discretion to entertain reading of the printed publications as well as those that could be published from the plates.

Hicke: Was this a political problem?

Heilbron: It was quite political, but the Superintendent of Documents was getting so overwhelmed by all of his printing responsibilities that I think he was slightly relieved that we relieved him of some of his function. The Department of Finance was also very suspicious that we were going to let publishing companies exploit the biggest market in the United States with very high cost items, and price was one of the competitive aspects of choice which we had to be conscious of. But that was a notable departure from the past and we, I think, achieved a few things in the course of the two years, '59 and '60. Of course that continued when I transferred over to the newly created state colleges, and I'll get to that and the Master Plan shortly.

Tom Braden became chairman of the board and preferred to stay with the state board rather than transfer--we had to make our choices--and they continued a program that I think was pretty well started in those initial, fairly creative years. Warren Christopher also left the department, and he became the chairman of the new Coordinating Commission of Higher Education under the Master Plan, which coordinated the three public segments so that I think the Education Board was perhaps a little stronger in its first two years than it had been before and maybe for some time after. In spite of what I think we did accomplish, I believe many of the problems still remain.

Hicke: Well, you can always look at it as, what would they be now if you hadn't solved at least some of them at that point?

Heilbron: I think we did contribute. There were two things that were uppermost in our experience, very important. The first one was an accident caused by a janitor in a warehouse of discarded textbooks. Because of his negligence, the whole warehouse burned down with all of the books. Well, book burning has become a hateful symbol since the Nazis burned books in Berlin, and the very idea was distasteful.

Hicke: Not to mention Savonarola in Florence and a few others.

Heilbron: That's right. Of course, these books had been by this time not used or not subject to use, and they were being stored for no understandable purpose, but they were books, and they could have their uses and they did have their uses. Roy Simpson, who was a conservative superintendent--

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Heilbron: --but who understood the concept of accountability, took the blame and said he was responsible. Now I can't recall the circumstances of why there was insufficient protection of these books, but there was an element that could have been corrected. A lot of people said Simpson should be recalled, and there were heated meetings as to how it came about, and finally we put a stop to it. I got in touch with the federal government--it was the Kennedy administration and the guy who handled education--and I said, "Look, we discard a lot of books. Aren't there people in African and other countries wanting to learn English who could even take discarded books and get some benefit from them?" And that's what then occurred, and we had a procedure for other books than those that were burned. I think some of the books went to the wrong places; I believe little books about little children, all nice, little, blond children in suburban gardens, went to Nigeria. Maybe some things like that occurred, but in general it wasn't a bad idea.

Hicke: It sounds like a great idea.

[tape interruption]

Heilbron: And as long as we're talking about Roy Simpson, I'd like to say a further word: we put a stop to continuing to blame him publicly for all that had gone wrong with the books and turned to the business of operating the Department of Education. Roy Simpson was very interesting in his relationship to the new appointees on the board. He had had a long period of doing pretty much what he wanted to do with people who were interested in education but not prone to do a great deal of probing and inquiry, and here he was confronted with people who did nothing but ask questions and who were directly interested in policy formation, and he turned out to be quite cooperative. This was evident not only at times in somewhat reluctant changes with respect to teachers, but in his support of the Master Plan legislation when it was proposed, because, after all, the creation of the new State College Board meant a truncation of his department and his functions.

Master Plan for Education and the California State College System

[Interview 7: May 27, 1992] ##

Survey Committee: Its Recommendations and Legislation

Hicke: Last time we just were talking about the State Board of Education and we talked about Pat Brown calling on you to contribute to the work with the Master Plan. Perhaps we should talk a little bit about how that got started.

Heilbron: Well, Governor Brown didn't ask me to work with the Master Plan. Actually, that came about because of a great call for the reform of higher education in the state of California. What was happening was that the legislature was getting too many requests for new state colleges. For a while it was an advantage for a legislator to bring a new state college to his district if he could, just as in earlier days if you brought a post office to your community, you could become a distinguished legislator. But I think that there were some twenty-three requests for new state colleges or studies for them by the time we are talking about--that is, around 1959--and it wasn't any fun anymore for the legislators. There was too much competition and it was too difficult to bring about the establishment of any one particular college. Furthermore, the competition between the university and the state colleges for funds had become a matter of great concern.

Back in 1945, the university and the Department of Education had worked out a relationship through a liaison committee, so that when problems of jurisdiction or curriculum or personnel came up, they could meet together and try to solve them. But the state colleges were emerging as liberal arts institutions--they had formerly been teachers' colleges--and sought for a more expanded program. They wanted to be more like the university, and the university saw that there was a limited number of dollars, and at some point there had to be some kind of regulation between them.

I think that the university would have been content to continue with a liaison committee for a time, because they were certainly the senior institution in that relationship. But the legislature called for reform. They wanted higher education to be organized in a way that the competition for funds would be controlled.

Hicke: Would be controlled by whom?

Heilbron: Would be controlled in this way: there would be a central headquarters for budgetary requests for the state colleges, instead of every state college individually coming with its own budget and the legislature having to decide specifically on that budget without any clearance, without any review, without any effort to have a rational relationship in budgetary matters as between the colleges.

So the legislature told higher education, in effect, to put its house in order or they would. They passed a concurrent resolution in June of 1959 and asked the higher education establishment, through the liaison committee, to come back with a program in about six months, and in that way gave the institutions the prior right to recommend their own future.

Hicke: To whom, specifically, was this addressed--the president of the university system?

Heilbron: It was addressed to the liaison committee of the university and the Department of Education. A survey committee was organized under the authority of Arthur G. Coons, who was president of Occidental College. Advisory groups from the legislature and interested state departments, such as the State Department of Finance, and public (four-year and junior) and private colleges were assembled to investigate all aspects of the future of higher education in the state as they saw it. This meant demographic studies, it meant a deliberation about what function each segment of higher education should have and how the relationships should be controlled and how the whole operation should be organized.

As to administrative organization, the survey committee really reduced its investigation to three options. The first was to maintain the state colleges under a strengthened division of the Board of Education. The Board of Education had a loose, supervisory relationship for many, many years, and there were certain people who proposed that that relationship be strengthened and continue. The second option was to merge the two institutions, to merge the segments--the University of California and the state colleges--into one system under the regents of the university, perhaps with some additional members.

Hicke: And make them all universities?

Heilbron: No. There would be a division of state colleges.

The third option was to create an independent system with its own Board of Trustees, more or less patterned after the university. I don't think that the continuation with the Board of Education got too much attention. Nor did a proposal to create a superboard over both the university and the colleges. I think it was a question of merger or the creation of an independent college entity.

Hicke: Were these options thrown open to the legislature or were they debated within--

Heilbron: They were debated within the survey committee, because the survey committee came out with a recommendation that proved to be the recommendation of the Master Plan.

The merger idea ran into this difficulty: many felt that a division or group of the colleges would become second-class citizens. On the other hand, if the university tried to spread equally all of its benefits and authority, it might undermine its quality as a great research institution and dilute the quality of its graduate programs. So it finally resulted in a Master Plan that contemplated the creation of a constitutional authority in the state college system patterned after the university, with terms of trustees like the university's and its jurisdiction determined by constitutional amendment.

Now many in the state colleges liked this idea for one reason, and that is: with constitutional status, they would have far more control of finances than they ever would have under a statutory system.

Hicke: You mean they had far greater security about their finances?

Heilbron: Well, they could allocate their funds in the way that the university does, with a freedom of action that legislative supervision and Department of Finance control doesn't permit. (Roy Simpson, superintendent of public instruction, was most understanding and helpful regarding the creation of a new agency, though it meant a curtailment of his own jurisdiction.)

On the other hand, the university liked the constitutional idea, because once they nailed down the jurisdiction, academically, of the state colleges, they didn't have to be concerned that the colleges would then become universities along the same lines as the University of California, wanting to have their own cyclotrons, their own extensive research facilities, and their own status as full-fledged research universities.

In short, the Master Plan asked to accomplish its main purposes constitutionally. But that was not to be the result. I'll tell you that story in a moment.

The survey committee made its recommendations to the liaison committee, and they in turn recommended them to the regents and the State Board of Education, and these bodies, in a joint meeting, confirmed them in principle and referred them for action to the state legislature.

The substance of the recommendations was the Master Plan representing, among other matters, several important compromises between the two major parties--particularly in the area of expansion of campuses and the differentiation and definition of functions. But a viable state college system emerged from these recommendations with a structure comparable to the university's.

During the period of final consideration by the Board of Education, I was board chairman and a de facto member of the liaison committee. Before the final meeting of the university and Board of Education, Dr. [Clark] Kerr convened a meeting of university and board leadership in an effort to resolve still disputed positions (for instance, would the state colleges have any participation in a doctoral program), and Dr. Kerr proposed a compromise resolution (a joint grant under certain circumstances) which was accepted. I appreciated that the doctorate was deemed to be the crown jewel of the university's academic program and to merit proper protection. Though Dr. Kerr was not on the survey committee, his basic views as a liaison committee member were widely known, and he must be considered as the chief theoretician and creator of the Master Plan. The plan was presented and it was agreed upon, with certain modifications by the legislature.

The Master Plan has to be viewed on three levels. First of all, while the junior colleges were not specifically provided for as a separate entity in the Master Plan, they were quite definitely recognized as part of the higher education system. At that time, the junior colleges (more recently called community colleges) were mostly supported by their own districts, by their own taxes. They had state subsidy, but not to the extent that later developed when the state would finance practically all of the state junior college program.

Hicke: So there were community college districts that were supported by local taxes?

Heilbron: Yes, close to a hundred of them.

Hicke: Just like a school district?

Heilbron: Close to a hundred of them. But they were the open door to higher education. The whole idea was to give every student eighteen or over or a high school graduate the opportunity to go into higher education.

Then came the state colleges. They were to take from the upper third of the high school graduates. That is, the upper third who demonstrated academic ability. Then the University of California was to take from the upper 12½ percent so that all students seemed to be cared for by this plan. It was thought that the junior colleges would take most of the people in the lower division and that even the state colleges as well as the university would become more of an upper-division/graduate institution. This was believed to be a procedure to reduce the costs of administering both university and state colleges.

Hicke: So that people would go to the junior college and then transfer?

Heilbron: That was the idea that in a short time, as many as fifty thousand students would be diverted to the "junior" colleges. They were close to home, the transfers were thought to be feasible, and an interesting part of these percentages that I just indicated to you is that they were part of the Master Plan that was never enacted into statute or put into any constitutional form. Yet they were so embedded in the academic structure of the plan that they have been followed diligently since 1960, when the plan became effective.

Interestingly enough, with the budget crisis as it is in the state of California at the present time (1992-93), the fact that they have not been written into statute or the constitution may make some adjustments in these percentages possible, and are being talked about. But that's the present and the future, not the past, with which we are dealing at the moment.

In general, the Master Plan called for the major research facility to be vested in the university, and the state colleges would be able to perform research only incident to instruction. A teacher, after all, had to keep up with his field, so he was expected to do a certain amount of research, but as I mentioned before, the cyclotron, heavy scientific equipment, the emphasis on the time and scope of research, would remain with the university.

Hicke: This was a bit of a bone of contention, wasn't it, for a while between the colleges and the university?

Heilbron: Oh yes. The colleges always wanted to get more for research, and the teacher in the state colleges was expected to teach twelve units and they wanted to teach less units if possible, which would give them more time for independent research.

Hicke: Was it a compromise that was worked out?

Heilbron: No, there was no compromise worked out on that issue. There has always been, in the state colleges, a certain amount of release time available for counseling of students, for committee work, for participating in the various senates of the state colleges, and for some research projects. But the assumptions of the number of state college faculty needed to meet projections seemed to be based on existing (twelve unit) teaching loads.

In the projection for campuses, it was indicated that the largest university campuses should be limited to about 27,000--that was for Berkeley and UCLA--and the limit in the state colleges was to be about 20,000. I believe because San Francisco State was built on about ninety-nine acres that it was to have a limitation of around 15,000. All of these projections have been set aside due to the pressure of students. I think that San Francisco State accommodates somewhere close to 24,000 students, and the University of California has around 31,000 or 32,000. But that's due to the pressure of the students.

Well, I talked about the issue of whether the Master Plan should be embedded in the constitution or go by way of statute. The legislature saw this new group of institutions as somewhat experimental, untried. Why put them in the constitution before their time? The university and board were disappointed in this, and we had, you might call it, a summit conference in the governor's office. I remember Senator George Miller was there, Assembly Speaker [Jesse] Unruh, the governor himself, President Kerr, Jesse [Steinhardt] and Gerald Hagar from the regents, maybe Hale Champion, the Director of Finance--I'm not certain about that--and myself. Senator Miller and Unruh made it quite clear that if the functional aspects of the Master Plan were to be enacted, it would have to be by statute, or else they would scrap the plan and have their own education committees determine what should be done irrespective of what the program might be or of what had been recommended from the survey committee.

So the governor asked, after all the work that had been done, that we consider the legislative proposals pretty seriously. For the state colleges, I conceded and said that it's better to have it by statute than not to have it at all. The university was not enthusiastic (because of the constitutional issue), but the handwriting was on the wall, and

so it was agreed that the Master Plan (except for organizational structure) should be the subject of a statute.

Most of what the Master Plan committee recommended was embodied in the statute (the Donohue Act).[1] The research was limited in the state colleges to research incident to instruction. All agreed that the top administrative staff at the headquarters of the new state college system should be exempt from civil service. It was agreed that the trustee organization of twenty-one persons consist--as the regents--of sixteen appointees by the governor and five ex-officio members from the governmental structure; that included the lieutenant governor, the superintendent of public instruction, and the governor himself, and two others. The terms of the appointees, however, were to be eight years instead of the sixteen years of the regents. The legislative people felt that the sixteen-year term in the constitution was too long and that there should be more of a turnover, as so many people now believe there should be in the legislature. The organizational structure of the trustees was to be protected by constitutional amendment.

Transition Planning

Heilbron: A transition period was provided of one year for the state colleges for planning, to get the operation started.

Hicke: Where did Governor Brown stand on these issues, and what was the part that he played?

Heilbron: Governor Brown, at the point where there was a rather awkward silence, said let's simply decide that it's going to be by statute. He definitely took that stand and was quite persuasive. He was anxious that higher education define its own program.

Hicke: Swung the vote?

Heilbron: At least he eliminated any further argument on the question of statute versus constitution.

During this planning period, the Department of Education still operated in a general supervisory capacity over the state colleges. A planning chief was appointed to provide the

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[1]S.B. 33, Reg. Sess., Cal. Stat., ch. 391 (1961).

outlines of the new college system, Don Leiffer from the political science department of San Diego State [College]. He was a dedicated planner. (Trustees had considerable input.) I think he had some reservations. He liked the idea of a merger more than the idea he was implementing, but he never let that personal bias interfere with his planning. I continued as president of the Board of Education and was elected first chairman of the Board of Trustees for the state colleges. The belief was that this joint status would make the transition easier. So I had quite a bit to do during this year.

Hicke: Just as a guess, how much time did you spend on this, say weekly or monthly?

Heilbron: Well, we had two-day meetings of the State Board of Education and one-day-plus meetings of the state college trustees per month, so that was three days. Then there was the usual matter of communication and preparation. But I talked with the office about this and they said for me to proceed.

Hicke: Heller, Ehrman?

Heilbron: Heller, Ehrman did, just as they did when I had the first question of accepting the Board of Education membership. My job, as chairman of the trustees, was really to help implement the Master Plan and its principal newly created agency.

In the planning, certain questions immediately arose: where should the central headquarters be? The legislature preferred them, wanted them, to be in Sacramento, just where the Board of Education was.

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Heilbron: The legislature could keep a better eye on developments. This, of course, was not the popular idea of the colleges or even the trustees. And actually, there was a very good reason for the headquarters to be moved to the southern part of the state. The University of California was headquartered in the northern part of the state. The population growth, the demographic projections, the new campuses in number, were to be in the southern part of the state. There was a very solid reason for the headquarters to be in the southern part of the state. One of the benefits, however, of that arrangement, was that we would not be in Sacramento under the very close supervision of the legislature.

Hicke: So where were the headquarters?

Heilbron: They were established in the Los Angeles area. I don't think that this occurred until close to the beginning of our operations, because we were operating pretty much out of Sacramento during the planning period, but the first headquarters were established in Los Angeles off the Imperial Highway not far from the Los Angeles airport. Later they were moved to Los Angeles city itself, on Wilshire Boulevard, and finally they were given land and the headquarters were built in Long Beach, where they still are.

There was the matter of structure. What would the headquarters top level consist of? It was decided to begin modestly and not have a slew of vice presidents. There would be an executive vice chancellor, a vice chancellor for academic affairs, and a vice chancellor for business affairs, and then operations would be subordinated to those divisions.

There was the question of faculty participation in governance, which the planning group did not determine but identified as a matter to be considered and taken care of at an early point in the operations.

There was the question of what the principle would be for expansion, because no sooner had we been organized than we knew that there would be other colleges. On what principle would expansion take place? It was agreed that need was the first criterion: demographically, was it necessary to establish a campus in a given area? But second, when a college was established, it would be decided what would the program be, and then what the supporting funds would have to be, rather than to establish an appropriation and then try to fill it with a program.

Hicke: Were those twenty-three proposed sites still on the table? Had some of them been built?

Heilbron: There were two that had been authorized before we began. One was in Sonoma and one was down in Turlock. They were to be built.

Hicke: The rest of them were still proposals, or had they been withdrawn?

Heilbron: Hayward was pretty well underway, and we approved that implementation when we got into the operating stage. I'll talk more about that later. First, we had to have a head. This led to a search committee.

California State Colleges

First Chair in a New System

Heilbron: The search committee was appointed. Three of us--Tom Braden, Ted Merriam, and myself--went on an eastern tour after receiving a number of applications and recommendations and suggestions. We relied quite a bit on John Gardner for suggestions and evaluations. And practically all of the people that we met for consideration after the résumés had been screened were good people. We had reduced it to four or five before we left on this tour. One we had to take care of for political reasons. (A number of impressive recommendations had been received.) We had to go to Washington, D.C., to interview an admiral, and while we were doubtful about his qualifications, we had to do this job.

Hicke: Do you want to say who?

Heilbron: No. As a matter of fact, I can't give you his name; I can't remember it. We met him at one of the principal clubs in Washington, and his attitude was that the navy had given him a great deal and he wanted to give something back to the community, to the public, and he thought that education was the right channel for his efforts. But when we found out that he didn't know what an FTE meant, we decided that we probably wouldn't put him on the final list.

We met with a person who was president of the University of Nebraska, a very competent man, who became a cabinet minister, maybe secretary of the Interior, in the [President Gerald] Ford administration. We met with a man who later on became president of the University of Wisconsin. And we met with Buell Gallagher of the City College of New York, who impressed us immediately. He was a broad-gauged man, he had faculty problems similar to those we expected to have in California, he was a very eloquent and articulate speaker, and he was very much supported by his faculty and trustees and was able to make peace with the students, many of whom had their protests as we later had in California. So when we came back, we recommended the appointment of Chancellor Gallagher, and he was duly appointed.

Hicke: As president?

Heilbron: As chancellor of the state colleges. We had the opposite nomenclature of the university. The chancellor was the head instead of the president.

Hicke: No wonder I'm confused.

Heilbron: And the presidents were in the place of the chancellors. Whether this was to distinguish the two segments, I don't know, but that's the way it happened. I don't know whether Leiffer was responsible for this identification, but that's what we did.

Hicke: I have another interrupting question.

Heilbron: Oh, you should.

Hicke: Were there any other states that had been looked at that had anything like this Master Plan that you could use as a gauge?

Heilbron: No, this was home grown and home developed. And there were people who did not believe that this was the right way to go. We knew, for example, that the State of New York had all education of every kind--kindergarten, elementary schools, high schools, private universities, public universities--all under the aegis of the regents of the State of New York; they handled all educational matters. But they could only handle that, we felt, through massive delegations, and we did not think that was the way to go.

I once met an official from one of the universities, I don't know whether it was Virginia or North Carolina, but she thought that we ought to have one state system of higher education and that the Master Plan arrangement was not a good one, that higher education should be centralized. But it was a smaller state compared with the State of California, and the real test, I think, is that the Master Plan has been reviewed several times. I was on a review committee, I think it was in 1973, and the basic Master Plan has remained and it still seems to be the solution for the State of California.

Hicke: It worked.

Heilbron: It worked. And there are plenty of people who have evaluated it and have found it sound. Some changes have been made widening flexibility in administering state college financial affairs, providing a state representative board for junior (community) colleges and for transforming the coordinating council into a public membership board, but the essential Master Plan framework remains.

Well, Chancellor Gallagher had some troubles. The conservative members of the legislature and many conservative organizations thought that he was too soft on leftist activity. One of the big questions that arose, and I don't know

specifically how it arose, was: should a communist be able to teach on a faculty? Now the University of California permitted this with Herbert Marcuse, who was a communist to the point of advocating violence, I believe. Of course, he did it all in theory, but that's the way the university handled it. There was concern that Chancellor Gallagher would be too soft on this program. He felt, as most of our trustees did, that if there was a communist who taught mathematics without somehow making it a communist matter of ideology, that was teaching, and his personal political commitment was what it could be in the United States of America.

Well, Gallagher actually got a military award for his services during World War II, and it hadn't been presented to him; now Gallagher thought this was the time to get the award. [laughter] We went down to San Jose State [College] and had a great deal of marching back and forth and flags flying and so on to quiet all of this concern. In a meeting at Cal Poly the matter was finally left to the individual colleges to determine, so that Gallagher said, "You do as you see fit."

In a memorandum to the trustees he stated that after six months of study and observation, he had come "to the clear conclusion that subversive efforts within the campuses were almost nonexistent, and in the rare instances over the years in which such efforts may have been attempted, the colleges themselves have successfully and effectively defeated these efforts."

One feature of that Cal Poly meeting proved to be of considerable personal interest and concern. It related to the state law which required all board meetings to be held in public. The evening before the Cal Poly meeting, whose agenda had announced the communist-teachers-speaker issue, a number of board members (less than a quorum) had an early dinner together, and afterward went to our motel in Morro Bay. I suggested that we shouldn't all go to one place lest it have even the appearance of a meeting (though together we were not a quorum), so we divided up unequally. One of the group I was with told us about his recent trip to Russia, rather unusual in 1961 or 1962.

When we were about to break up, I visited the other group, just in time to hear Gallagher say, "Well, I better leave you because I have to write a recommendation on the communist matter before turning in." He had not discussed its content.

The next day, one of the San Francisco newspapers carried a front page story to the effect that I had held a secret meeting to consider the communist question in violation of the open

meating law (acting as liaison between the groups). I was quite upset.

I went up to Sacramento and told the members of the Education Committee, informally, of what had happened. They were satisfied and did not hold a hearing. Years later, Mr. Moskowitz, the education editor and author of the story (whose source was mistaken), told me that the one story in his journalistic career that he regretted he had written was that one. We became good friends.

The faculty had had practically no part in the appointment of Gallagher. It was a trustee appointment. But after his appointment, resolutions came in from almost every college faculty approving and supporting his appointment. This will be interesting later, because when they had some participation but didn't think that it was enough, in the case of Gallagher's successor, many expressed their discontent; so it seemed to depend largely on the personality of the person involved.

Hicke: Was this after they had met him, or did they just know about him?

Heilbron: After they had met him. The first thing he did was to visit every college.

Gallagher appointed Glenn Dumke, with the trustees' consent, as his vice chancellor for academic affairs. Dumke had been president of San Francisco State, and he had some opponents on the liberal side at San Francisco State, and they were not completely happy with Gallagher's appointment of him, but Gallagher made it to stabilize the internal operations of the new state colleges.

Before the year was up--and in the meantime Gallagher had made his mark with reference to endorsing a liberal curriculum and implementing, to begin with, part of the planning program that we had established before he arrived--he ran into two problems that were never completely understood. One was, before appointment, when he came and asked about his pension. We told him what the pension was in California, but we also told him that he had better check with the Department of Finance on whether his credits in New York were transferrable out here, and he said he would do this. He told us he had, and I think he believed that he had done so, but evidently he had misunderstood something very substantial, because they were not transferable.

His wife did not like California at all compared with New York. In New York they had been given a presidential house, and

we didn't have any such house in California. Yet we thought we could solve that problem. I had about raised $100,000 toward that objective when Gallagher said that he had to go East to a conference. He did go East to a conference, and he wired back that he was resigning.

He had had some difficulty, more than some difficulty, with conservative organizations, and I think he was not certain that he would last long enough to get the full benefits of even a California retirement plan without considering the transferability of credits. As he told me, he had a true and important family problem. I told him several months before he left that he should do what he had to do for himself and his family and that we would meet the problem, if we got a problem, when it occurred. Well, it occurred, and we had to meet the problem.

So we decided that although we had gone abroad, gone outside the state of California, for our first chancellor, among twenty-five million or so people in the state of California, we should be able to locate a person who could run our colleges. We had one who was extremely familiar with our operations. He was Gallagher's choice for vice chancellor of academic affairs, and we indicated our choice of Glenn Dumke, a Republican, and we were all Democrats except for one on the board. Ted Merriam was the only Republican.

We did so because we felt that was the right thing for the state college system. We found that once you had some kind of security of term in education and you were selected because the governor thought you would put educational interests first, that you could and would choose the person you felt would do the job.

We had some faculty reaction. They had been involved, but not to any great extent, in the selection. The governor, Brown, said, "You know, I'm getting a lot of flak on this situation. Before you confirm this appointment, do further looking in thirty days, and if you finally decide to confirm that appointment"--he said that he would be satisfied, but he asked us to do this.

Hicke: Who was the other vice chancellor, the one for business?

Heilbron: John Richardson.

Hicke: But apparently he was not considered?

Heilbron: Oh, no. I don't believe he had academic experience. We did consider Don Leiffer and Malcolm Love, who was the president of San Diego State, with respect to other state people.

And we did locate and interview two or three more candidates out of state with faculty participation during that thirty-day period, and poor Mr. Dumke was having a very rough time during this waiting period. But when it was through, we confirmed the appointment.

Hicke: The objections were because he was on the conservative side?

Heilbron: Yes. Of course, we extracted a commitment from him that he would engage in no political activity whatever. He had been somewhat active in the Republican party in Los Angeles, but he lived up to that commitment to his last day, and we made an appointment that seemed to be a little bit controversial at the time but lasted for twenty years.

Expansion and New Campus Sites

Heilbron: Well, I mentioned something about new campus sites and the problems we had for expansion. We knew that the valley needed another campus, that Fresno State [College] was getting overcrowded. We determined on Bakersfield. We knew that Los Angeles did not have sufficient attention. There was the Los Angeles State College on the eastern edge of the city, there was Northridge, in the San Fernando Valley, but the big expanding area outside of central or south Los Angeles was not covered. We thought that the best place for expansion would be just south of the airport, but that was investigated and abandoned. Then we thought that we had a chance for a beautiful section of land on the Pacific Palisades, overlooking the Pacific Ocean, ideal for Princeton/Yale/Harvard/Berkeley/Stanford, but I think we got saved from ourselves by events. We had agreed to purchase the land at a certain price, and the legislature had appropriated for some campus in southern California, and we had the jurisdiction to select the campus site.

Then people heard all about this plan, and some property increased in value around there, and our own tentative purchase price, approved by the Department of Finance, was no longer sufficient. I think because of a differential of a considerable amount, we had to abandon the Pacific Palisades. Now, that turned out, as I say, to be a blessing, because our function was to take care of the industrial area south of Los Angeles, a

great minority population, and what would have happened if we had to depend on transportation to go from the Valley up to the Palisades and back, on a single day, a commuter college up on the top of that hill? The people didn't want it that way.

I thought, actually, it would be a lovely idea. Why not bring everybody up from the Valley to enjoy this site? But there was a great deal of opposition to it among the people living there on the Palisades and in the Valley itself. The feeling in the Valley area, Compton and those Valley cities, was--

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Heilbron: --that they wanted the college closer to them. Eventually we purchased the land that became Dominguez Hills [State College] in or near Carson.

Hicke: Wasn't this a problem that occurred frequently, that as soon as somebody heard that there was going to be a state school the property values would go up?

Heilbron: Oh, yes. Absolutely. And that's why we tried to get gifts of the land or negotiate a favorable price. We got a magnificent piece of property in Contra Costa County, where I still think we should have gone. If Sonoma State [College] had not been built, Contra Costa was the place for that area. And even with Sonoma State, the projection for Contra Costa County supported the idea of a college there. We acquired two hundred acres on excellent terms. The Contra Costa college was never built. Finally the state sold the property for a considerable profit, but I thought that ultimately it was not profitable to sell that land, because we are confronted with population demands now that could have been largely met by that institution we had planned for Contra Costa County.

Dominguez Hills was intended to draw from a somewhat blue-collar and disadvantaged population. There are a lot of minorities in that area, and it has been performing its function pretty well. It started out with an emphasis on liberal arts--it had what was called a college-within-a-college--and it would have been an excellent idea for another institution in our system. But this "little college" did not draw the interest of the people in the area, who wanted a more practical-oriented program. Not that liberal arts aren't still required in the core curriculum, but the upper division and the balance of the program was one that had to appeal to the people in the area for whom the college was being built.

Hicke: So more accounting or secretarial type skills?

Heilbron: Not secretarial. I'll give you a little rundown on that curriculum at our next meeting. I've been down there. They've had excellent presidents at Dominguez Hills. Leo Cain was the first president. He concentrated on special education programs and was an authority in that field. He was followed by Don Gerth, who is now president of Sacramento State [University]. Dominguez Hills has been an answer to the needs of that area.

We also had property that we could have purchased in San Mateo, a beautiful piece of property, and perhaps that should have been confirmed, because we could have obtained it from the City and County of San Francisco that owned this particular property in the San Mateo area. But it was regarded as not necessary because of San Francisco State on the one side and Hayward State on the other and San Jose State in the middle. Maybe it would have been superfluous. In any event, we never did acquire the property, so apart from the expense of investigation, not much was lost.

Hicke: Was this routinely part of your job, or were there special members of the board who were--

Heilbron: No, the chairman of the campus facilities committee was Charles Luckman. Luckman had been the executive at Lever Bros. in England. After he left there, he became the head of his own nationally known architectural firm, and he was the chairman of that committee. Another chairman was Victor Palmieri, who has had a very extensive Washington career since he left our board and the state. These people knew land.

What we had to deal with in architecture for the new campuses was the fact that the division of architecture for the state did all of the designing for our campuses. They had a style known as San Quentin Modern [laughter]. Actually, they took some of the plans for jails and converted them into dormitories down in San Luis Obispo. We all wanted, and Luckman certainly led in this effort, to make the architectural program a competitive one. Let architects from the outside of the Division of Architecture bid, and choose the best design. If the architectural division had it, let them have the award, but we should not automatically hand over this important matter to the state agency. Somewhat similar to the textbook situation which I mentioned with regard to the Department of Education. It produced like results; perhaps even better results. The new campuses became livelier and more attractive institutions, although they continued to make some errors. In the haste of getting that Hayward campus established, they took plans from a

Northridge building, and they simply reversed the building. So what should have been the front of the building overlooking the bay and an inspiring scene became more or less the front that overlooked other buildings and not nearly as interesting a scene. Maybe that brings us to a discussion of the sixties.

Problems for a California State Colleges Trustee, 1960-1961

Hicke: Let me just ask another question.

Heilbron: Yes, I'd like you to.

Hicke: In the discussions on these campuses and everything else, how were the decisions taken?

Heilbron: Almost at the start, we had a rules committee that developed a committee system. We had an educational policy committee, we had a faculty and staff affairs committee, a committee on rules, a committee on facilities and campus planning. They would hold meetings and hear witnesses in depth; they consulted with administration, of course, with faculty--the recommendations had to come from the administration (Chancellor Dumke) to begin with. We had an excellent person dealing with the architectural program: Harry Harmon. He was most valuable in seeing to it that we had the benefit of experts in that field. Of course, in educational policy, and I'll come to that when I deal with some of the problems we met in the sixties, we had the benefit of the academic senate view as well as the chancellor's recommendations through his vice chancellor of academic affairs, so that no matter was considered by the board that had not been fully considered and reported upon by the appropriate committee.

Hicke: And then it was voted on?

Heilbron: And then it was voted on in the usual fashion.

Hicke: And were all of the members of the board appointed by Governor Brown?

Heilbron: Governor Brown, yes, initially appointed all of the members of the board (except the ex officio members).

Hicke: You said initially. Then what happened?

Heilbron: Well, ultimately other governors appointed their successors.

Hicke: Oh, okay. But they were all appointed by the governor.

Heilbron: We drew straws for our terms, because we wanted to establish staggered terms so that all of us didn't leave at once. I drew a one year term, but I got reappointed by Governor Brown.

Hicke: Were there any other people on the board who stand out in your mind? You don't have to do a whole list, but some of them that stand out.

Heilbron: Oh yes, I'll give you some of the names that occur to me immediately. I mentioned Charles Luckman. There was Ted Merriam, who was a department store executive from Chico. He had also been mayor of Chico, and he had been president of the League of California Cities, so that he had had considerable experience with government. There was Albert Ruffo, who was the mayor of San Jose. There was [William] Bill Coblentz, who became a regent of the University of California later. We had the head of the CIO [Congress of Industrial Organizations], Thomas Pitts. We had Don Hart, who had been mayor of Bakersfield. We had Phoebe Conley, who was a community leader in Fresno and in the whole valley. Her sons were the editors of the Sacramento *Bee*.

Hicke: So there was a diversity geographically?

Heilbron: Oh yes. There was a person by the name of Sutherland who was the chairman of our finance committee, from San Diego. He was a banker, I believe. And the Ridders--Herman and subsequently his son, Stanley Ridder, of Long Beach, owners of a respected newspaper chain. Also there was Simon Ramo, a well-known scientist. You can see that this was quite a responsible group.

Hicke: Lots of good experience and skills.

Heilbron: Experience and skills, and in spite of the fact that as I read their names to you it sounds as though they had not much experience in education, and to a certain extent that may have been true, they were a pretty open-minded group, and they were by-and-large used to administration and government. That was necessary at this early period. The expertise was primarily a matter of the staff. However, we did lack representatives of minority groups and had one lone woman fending for herself.

When we became operational, it was a little bit like the time when I was in Austria.[1] The planning period was over, we

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[1]See Chapter III.

stepped into operation, and we didn't recognize that there was too much difference. We knew what the program was to be, but we didn't anticipate, by any means, all of the problems.

The first problem, really, was typical of all large, central institutions: the headquarters wanted to be certain of its control, certain that the quality was evenly spread among all of its institutions. The field or the colleges wanted their independence. They had all been independent duchies before; all they wanted from the headquarters was to give them an allocation of money [laughter], and the more we got from the legislature, the better. Beyond that, they didn't want us to do very much. They didn't want us to do much master planning or to approve the procedure of master planning. I didn't mention in the architectural program that we insisted that every college have a master plan for both its curriculum and for its facilities and their views were part of the deliberative process. We had something to do with the kind of personnel that occupied these committees. We, of course, selected the presidents of these institutions, and established local advisory committees for each campus, the statute authorized us to do this, so that there were advisory boards for us in every institution. Sometimes the advisory board took the color of their administrative staff, and they wanted to be independent. In fact, some would have preferred not to be advisory but to be the board running that particular institution. The presidents nominated members to be appointed to the advisory committees.

So that was always an undercurrent that had to be resolved.

Hicke: How did you deal with it?

Heilbron: Well, we tried to make general policies that pertained to all. We wanted to go through the masters degree, but we wanted a process in each institution that assured that they had the personnel and the equipment to give the masters in that particular subject. In other words, there was a matter of oversight of the process. Then again, we recognized our colleges were to be regional institutions; to a large degree that was an advantage, economically, to the people living in the area, but in most of the situations, we also wanted them to have a statewide concentration or emphasis so that they didn't repeat each other. For example, in Humboldt [State College], we had an excellent forestry department, but we couldn't see much reason to establish a forestry department in Los Angeles. We had an excellent creative arts department in San Francisco; many well-known writers were part of that department. It would not be easy to repeat that kind of arrangement in every college. San Diego State had a first-rate political science department, and

we wanted to maintain that emphasis. Indeed, we wanted Sacramento State to become much more involved in the training of people for state government, and our trustees didn't succeed in doing that, but I believe that since President Don Gerth has taken over they have become much more involved in that area.

So we wanted some attraction statewide. Chico had long had a dormitory system and it was a live-in college. There weren't enough people in Chico to fill the college, and people had come to Chico from all over the state and elsewhere. Some people have said that they had too good a time out at Chico, but I never was able to verify that. [laughter]

San Jose State had some dormitories, we authorized a dormitory there.

Hicke: There is one at San Francisco, too.

Heilbron: True. At San Jose State, we had what may have been the first mixed dormitory, coeducational, in the state for either system. We had one floor for men and a second floor for women all the way to the top.

Hicke: Was that a challenge?

Heilbron: That was regarded as almost tearing down the moral fabric of the country.

So we did provide for these concentrations, or tried to. Then one of the most important areas was to bring everybody into the system for appropriate discussion before the trustees made a decision on an important matter of policy. We created a program where officers of the state faculty senate, representing all of the colleges, had a place at our meetings, where the administration (including the college presidents) had places, and where the students had a representation.

When we finally got a new [headquarters] building, down in Long Beach, the new building's assembly space was so arranged that functionally it accommodated these interests. I don't think that there is any other place in the United States that has physically more evidenced its interest in having these groups thus brought together for discussion of policy.

Hicke: Can you tell me exactly how you set this up? Were there offices for each of these groups?

Heilbron: No, there were a number of seats.

Hicke: Oh, at the table.

Heilbron: At and around the trustees' table.

Hicke: All in the same room?

Heilbron: In the same room. Then, of course, there was a gallery for the public to witness whatever was being done, because higher education in California operates in a goldfish bowl and everybody has his look-in.

Hicke: There is media presence?

Heilbron: Media presence, certainly. So I think that was a contribution of the system.

Now, about the faculty. They had very little to say, very little representation during the period when the Board of Education had its more or less loose relationship with the colleges. I say "loose" in the sense of the board, but it wasn't so loose in the sense of Superintendent Simpson, who appointed all of the presidents. Once he appointed them, he felt that he had sufficient control.

Hicke: How many state colleges were there?

Heilbron: There were thirteen operative when we came in, and I think when I left there were nineteen.

We, the trustees, had representatives from the faculties of the different colleges (selected by them) come to establish the state senate. We not only encouraged but required that every one of the separate colleges have its own senate with--

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Heilbron: --with appropriate control over curriculum and appointments, promotions and tenure, the usual area of a faculty operation. Any important policy affecting curriculum or program would be reviewed by the senate and recommendations made to the chancellor, and then, if the senate wished to speak further upon the matter after the chancellor had made his recommendation, that was permitted and encouraged, so that the faculty did have a voice. However, we did not do what the regents had done, that is, delegate fully to the faculty its areas of control. They made recommendations, and the recommendations were rather persuasive. You don't say no arbitrarily to a faculty recommendation where the expertise should lie. But we still had some reserved area where, if there was a serious curriculum

program, and I'll refer to this later, we had the right to make the final determination.

Hicke: Is this a decision of the board either to reserve this or not to delegate it specifically?

Heilbron: It was a board decision--ultimate responsibility was on the board.

Additionally, the presidents of all of the colleges formed their own council, and they had a voice, a strong voice, in connection with matters of policy. All of the senates were concerned with matters of academic freedom, and that was certainly their province as it was for the system. But there were people on the faculty who felt that, particularly on the economic side, the faculty did not have enough authority, and a drive for unionization began in the sixties. I don't think any problem was more studied than that. The first reaction of the academic senates was to oppose the idea, because the faculty felt their professional status differentiated them from the usual union situation. The board initially felt that unionization was not the better course, because it could not commit the state to a contract until it got the money, and so it didn't feel that it was in the position of an industrial employer. It wasn't even in the position of a local school district that could levy its own taxes and respond in that way to contracts which it had negotiated.

Hicke: It's hard to bargain if you don't have any authority for the financial position.

Heilbron: Well, yes. You could bargain on the basis that if you got the money, this is the contract. But that's not what any legislature would want you to do.

Hicke: It wouldn't be satisfactory to the union, either.

Heilbron: And ultimately, the faculties did vote for unionization. Selection of the single union negotiator was a problem that had to be resolved between five faculty groups: the American Federation of Teachers (the AFT), which was an off-shoot of the CIO, then the Association of California Professors, which was home grown, then the State Employees Association, and two others. Finally the state did enact a collective bargaining statute, after my time. That put the legislature into the picture and made everything subject to legislative appropriation, made fact-finding the basis of legislative action, the fact-finding being done before the matters went to the legislature. Ultimately, the legislature does have control.

Of course, in our day it was a sellers' market. We needed more faculty. We had expansion and everything related. Today, it's not the same situation, and the legislative control over appropriations is such that all of the people in higher education are very much concerned and worried.

I mentioned previously that the state college trustees did not have the flexibility that the regents have regarding the allocation of monies and the transferability of funds between one section or center of operation to another. The result of this lack of authority produced the situation I'm about to describe.

An appropriation was made that allowed for a certain percentage of increase for all faculty to be distributed in accordance with the trustees' authority. This was done, and the distribution was accepted and recognized by all of the faculty as being a fair distribution. Unfortunately, in doing the mathematics, our fiscal section, our finance department, gave more of a raise than had been appropriated. In other words, it would have taken a larger appropriation to accommodate the error that our fiscal people made, but our fiscal people had reported everything to the Department of Finance, and they had reviewed it and approved it. On top of all of this, we had plenty of money in several accounts where, if we could have transferred it, we would have been perfectly at ease. I think also there is some general rule of the Department of Finance that you will always hold back a percentage of whatever appropriation you have. You never spend your whole appropriation, but there's always that hold-back for contingency. So there was money to answer this question. Well, this fiscal error was discovered in January of a fiscal year ending in June, and there was no other way of correcting it except cutting 1.8 percent on salaries for the rest of the year since the legislature was not prepared to give special authority to make any transfer of funds.

Now this meant that the faculty was getting all of the money that had been appropriated, anyway. They were not losing any money from the appropriation because we had paid an excess of benefit.

Hicke: Overpaid?

Heilbron: Overpaid. But, of course, family budgets had been prepared on the basis of what the salary appeared to be, and the faculty was furious. I remember that we met down on the Northridge campus. We went for a while from campus to campus, and I'll tell you about that too--the whole board would meet at different campuses on our monthly meetings instead of just meeting in one place

such as Sacramento or Los Angeles or San Francisco, We met at Northridge, and a professor of English pointed his finger at us, and he said what we were doing was absolutely immoral, to make this cut. He said if we wanted to prove ourselves to the faculty as being really for higher education, we would go to jail to prove our point. We simply told him that that was carrying the excess too far and we wouldn't do this. [laughter] But it's an illustration of what can happen when there is a total lack of authority to make a transfer of funds.

Hicke: And also the lack of control by those responding.

Heilbron: That's right.

I said that we had gone from campus to campus to hold our meetings, and that was true, but we found that this was not an efficient way to do our business. We would arrive in the evening at the campus, and they always gave us a very pleasant dinner; then they had their band play, then they had the school choir, and they had a welcoming address from the president. So we were pretty tired when we got to bed. Then the next morning there were other introductions of the staff and talk of what people were doing in the community. We found that our working time was seriously cut. So we decided that we would meet alternately in San Francisco and Los Angeles, where people could come rather easily to an airport meeting or even when we established our own headquarters, to the headquarters. I believe at least once a year we met in Sacramento. That proved to be a good practice.

Hicke: More efficient?

Heilbron: More efficient, yes.

Hicke: Although there probably was some value in meeting these people.

Heilbron: There was a great deal of value. We really owed it to ourselves and to the college to make these initial visits. It may be that one college at a special time is still visited by the board or a committee. I don't know. But with the headquarters established for business in Long Beach, I assume that that is where practically all of the meetings are held.

Hicke: Okay. So this is a good place to stop for today.

Protests and Strike at San Francisco State College

[Interview 8: July 1, 1992] ##

Hicke: Well, last time we got pretty well into the sixties, actually through the middle sixties and towards the end, and covered a lot of the problems and impact of the state college system. I know that San Francisco State was one of the major issues that came up.

Heilbron: That's true, and it had quite a substantial history during the last few years of the sixties. You can't understand San Francisco State without relating it to the student protests and unrest throughout the country. Perhaps the best analysis of that protest problem was stated in the government commission report of William W. Scranton, who gave the report on campus unrest in 1970. In general, the protest was composed of a number of parts. It derived partly from the civil rights movement--

Hicke: Can I just interrupt to ask if you are talking about San Francisco or the general countrywide--

Heilbron: I'm talking about throughout the country, because San Francisco State was just part of the scene. As I say, it derived from the civil rights movement, and it was accelerated by the assassinations of Martin Luther King [Jr.] and [Attorney General] Robert [F.] Kennedy. It moved onto the campus as a student expression of anxiety, of the determination to achieve social justice, and produced the black studies demands that were familiar in most of the universities and colleges. There was also the anti-Vietnam war sentiment, deeply held by many students who felt that the war was unjust and that we were violating our moral code and principles. And there was a feeling that the university was somehow responsible for allowing all of these things to occur; that if the universities assumed leadership of the country and the university was reconstituted as a political instrument of social reform, some of these terrible problems would be answered. In the end, you had a kind of combination of these resentments, so that the protest was against the "system": it all should go; something should take its place that was much better.

Various universities throughout the country had to deal with the students and their problems. There was also some view, I think particularly enunciated by the SDS [Students for a Democratic Society] that what was at issue was a rebellion

against the conformity of the fifties, a rebellion against materialism and cold war prosperity. There were other considerations of much greater value to them and to society. But in the end, as I indicated, it turns out that many students regarded the university administration as part of the oppressors. They were the establishment, and no matter how you attacked the establishment, it was in a good cause. They weren't particularly interested in any particular issue; so long as the issue served the protest, the protest was desirable.

It all began, however, in Berkeley, like so many things have, with the Free Speech Movement in 1964 at Berkeley. Originally it was simply a protest there, as I understand it, of a change in a university rule that was amended to prohibit political organization and activities on campus. It started with a non-threatening protest around Sproul Plaza. Then when the rule was not changed, there was a sit-in the administration building, and the sit-in occurred over a couple of days, and the governor sent--this was Governor Pat Brown--sent in the police to remove the students who were sitting in.

Well, violence erupted when one of the students was arrested and placed in a car, in an automobile, and was to be taken down to the jail. Students surrounded the car, and the car couldn't move. The pushing and the shoving was reported in the newspapers and on television, and pretty soon we had the beginnings of the protest movement in Berkeley. Now other colleges, as I indicated, followed suit. Perhaps Columbia [University] was the most violent. There five or six buildings were occupied, and a great deal of damage was done and injuries sustained.

These protests came relatively late to the state colleges, to the campuses in California, perhaps because many served in more or less rural or suburban areas where students reflected a more conservative environment. But in varying degrees the protests took place, in Los Angeles State [College], in Northridge at San Fernando, at San Jose State [College], Fresno State [College], and at San Francisco State, where the heavy action took place.

Hicke: Is that chronologically?

Heilbron: No, that isn't chronological.

Hicke: It doesn't matter.

Heilbron: I don't think it matters. I think that the Los Angeles State and San Francisco State were more or less contemporaneous.

I would say that it began at San Francisco State during the tenure of Stanley Paulsen as acting president. He was also a candidate to be permanent president, but the faculty and the trustees search committees determined to bring someone from the East who had had some experience in minority problems. Professor John Somerskill was a professor of clinical psychology, but he had been vice president at Cornell [University], and his many activities there in the community brought him into contact with urban problems.

That this college was going to be in trouble was evidenced on the day of his inauguration--President Somerskill's inauguration--in May, I believe, of 1967. Colorful ceremonies were held in the stadium. A platform had been built on the stadium grounds, the trustees were there and many dignitaries, the usual customary academic parade and platform representatives.

Hicke: You were there?

Heilbron: I was there, yes. I was one of the trustees at the time. But it was beyond my chairmanship.

Before the actual ceremony began, an unusual incident occurred. A hippie-clad young man, a rather thin person but with a puckish demeanor, danced his way around the platform and then onto the platform, went to the microphone, and turned around and pretended to be taking notes on the trustees and the dignitaries, then danced up and down the platform, and he thumbed his nose at the trustees and the dignitaries and then at all of the surrounding audience of students and faculty and friends. Chancellor Dumke hissed to Somerskill, "Do something!" Somerskill got up and whispered something into the ear of this young man, who suddenly, as quickly as he appeared, disappeared, ran out of the stadium, ran off the grounds, and never was heard from again, as far as I know. Somerskill, who wrote a book about his stay at San Francisco State, said that what he whispered to the young man was, "You are about to be arrested." [laughter]

Well, that accomplished the exclusion of this young fellow from the proceedings, but not the disturbance. The SDS had picketed and boycotted the cafeteria before the inaugural event, because the cafeteria had raised its prices.

Hicke: When you say "boycotted it" you mean prevent--

Heilbron: They prevented students from going to the cafeteria and stopped the operations of the cafeteria. Of course, they had an antiwar

policy, which specifically asked that whether or not students wanted their grades sent to their draft boards, the university should not comply with the draft regulations and the students' requests to send their grades to the draft boards. The university refused, Somerskill refused, to honor that request in accordance with the policy of the entire system.

Well, in front of the platform and facing the trustees and the dignitaries were about two dozen students, or perhaps student invitees, carrying signs, protests with respect to the war and the draft. These students were noisy throughout the ceremony, throughout Somerskill's inaugural address. He tried to ignore them, but after a plea for some kind of fairness, there was enough quiet so that at least a good part of his address was heard by those who had come to the inauguration. After this melancholy event was terminated and the trustees and dignitaries left the platform, they were followed and annoyed by students who walked alongside and ran alongside and in one or two cases did a little shoving. Of course the trustees were very unhappy. Well, that was the inauguration.

Shortly afterward, there were two other areas of activity that came to the attention of the college, the headquarters, the trustees, and the legislature. A paper was published called *Open Process* that had a columnist who advocated all kinds of activities that offended many students and citizens.

Hicke: Was this a weekly publication or a one-time thing?

Heilbron: No, I think it was published from time to time, but not regularly. It advocated nude bathing and more. It supported the use of marijuana, recommended free love, was anti-Vietnam war. Just the kinds of things that could be expected to irritate a great many people in the state. Copies were sent to the trustees and to members of the legislature by a couple of students who were tied into some kind of conservative political program and somehow were financed to the point where they could reproduce the photos, the paper, and so on. The president did suspend this paper for the kind of publication it was and established a board to provide regulations with reference to the student press that faculty and students contributed their ideas to, so that there were some guidelines that could be referred to. Now the real student newspaper, published by the students association, was called *The Gator*, and they had an editor.

Hicke: As in alligator?

Heilbron: As in alligator. They had a staff of about ten students, all white, and the black students had found their policy, in their

opinion, to be racist. Apparently they had not reported black news as the black students felt they should, they failed to publish a photo of a black candidate for campus beauty queen, and a number of blacks felt that this was a white-run newspaper not recognizing an important minority in the midst of the campus. Close to ten of them went into the *Gator* offices and ransacked the offices, and also went into the office where the editor sat and took hold of him and beat him up. The students were tried in a college disciplinary proceeding according to college due process, and four of them were suspended and I believe five of them put on warning. In addition, the student editor filed complaints with the police, and there were arrests of the four who had attacked the editor.

In view of commitments and promises, the *Open Process* paper was permitted to resume publication, but the columnist who had promised that he would reform revoked his promise and said to the paper that he had decided to do that. He was immediately suspended by the president, but the general counsel for the state system had to advise Somerskill that the suspension was a penalty imposed before any process had been followed and so, for purposes of a hearing, he had to revoke his suspension.

"Well," said the blacks, "If you can revoke the suspension of a white person, you should revoke all of the suspensions of the students who had attacked the student editor."

Hicke: But they had had a hearing?

Heilbron: But they had had a hearing. Nevertheless, that was the stance of the black students. And they stirred up the entire campus as to the question of justice to blacks. Overlooking for a moment the clear violation implicit in the assault, what were the circumstances that drove black students to do these things? A big protest was promised for some day in the early winter; I guess it was now close to December of 1967.

Hicke: Let me interrupt. Were there arguments back and forth among the students, or was this all one big protest?

Heilbron: I think that at this point a great number of students were indifferent, and the more radical and liberal elements were minded to protest. Later on, there was a group of about eighty committed conservative students who opposed the radical students in a very clear-cut fashion, but at this stage I would say that it started out with the December protest to be some students highly motivated and willing to sit in, and most of them attending classes and wanting to escape the problem.

In any event, the administration building was broken into. There was a window open, and one of the professors who was quite sympathetic to the students went in the open window and led part of the charge. However, the students milled around in the hallways and in the offices and did not do much damage. They were there, they were obstacles to any kind of office operation, they sat in, but they were not violent. Somerskill had made arrangements with the police so that the principal police crowd control officer was at his side to advise him, because--

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Heilbron: The expert on crowd control from the police was at Somerskill's side and told him that it would be his decision as to when to call in the police, whose attack force was close by, a few minutes away. But he didn't feel that the situation had gotten out of control.

Hicke: Somerskill didn't or the police?

Heilbron: The police advisor. So Somerskill did not, in spite of the sit-in and the milling around in the administration building, call the police. Finally the students got tired and drifted away. This situation was pretty much repeated the next day. One of the newspapers applauded Somerskill's restraint.

Hicke: One of San Francisco's?

Heilbron: Yes. And the other one criticized it and said that when there is any kind of trespass, or equivalent in their opinion to a violent taking, that the police should be called.

Now the reason that the police were not called by most presidents of most campuses until sometimes the issue was too well drawn was that the presence of police usually escalated the violence, because the police started arresting, the students protested and resisted the arresting, there were struggles and sticks were used and people dragged out, and there was an escalation of violence. So in a special meeting by the trustees called in Los Angeles, there was sufficient concern about what was happening in San Francisco State, we asked for a review of what was happening.

Hicke: Let me ask how closely you were following all of this. Were reports getting to you? Did you see it as a problem?

Heilbron: Well, the San Francisco trustees were more familiar with the situation there than other trustees, because some administrative

officer or faculty member might call them up and indicate what the problems were.

Hicke: So somebody actually called you?

Heilbron: I believe that we had some notification. As a matter of fact, I think it was the other way. If we saw it in the newspaper, we called the president to see what was happening.

But the governor, who was by this time of course Governor [Ronald] Reagan, was very much upset, and a meeting was called in Los Angeles, and the two star performers would be the president of San Francisco State and the president of Los Angeles State. I haven't gone into the Los Angeles State situation, but the Dow Chemical Company was there recruiting for employment on that campus, and someone threw a stink bomb into the van that they traveled in to the campus. That caused a good deal of protest. So President Greenleigh of Los Angeles State was also called to appear.

For three hours on this Saturday, the trustees and administrators and, of course, the political ex-officio trustees, questioned these two men, Somerskill taking much more questioning than the president of Los Angeles State. Irrespective of how the situation came out, some of the trustees asked Somerskill why he hadn't called the police. It was his decision. There could have been grave damage instead of minor damage to the administration building, there could have been injuries, hurt. Max Rafferty, at that time superintendent of public instruction, was particularly sharp and hostile in his questioning. Everyone had a little bit of a say. I think in the course of the discussion, I pointed out that once at Oxford [University], a great many years ago, the mayor had called out assistants to quell a disturbance on the campus at Oxford, and for five hundred years since, annually, he had come to apologize to the university. [laughter] This was a light moment in our discussion.

Hicke: Trust you to provide that!

Heilbron: In the end, when it appeared that most people seemed to agree that Somerskill had handled the matter quite effectively, Lieutenant Governor [Robert] Finch, I believe, proposed that a committee of the trustees investigate the stewardship of President Somerskill. This action, of course, enraged many people on campus and seemed, under the circumstances, to be unfair and certainly undermined the president's authority.

Hicke: Did the trustees have to agree to that?

Heilbron: Oh, the trustees approved the authorization. There was a vote for and against and the majority won. I know I voted against the resolution, as did Albert Ruffo and a number of others. The vote was reasonably close, but I think all of the ex-officio members voted for the authorization.

I don't know how many months after, or whether it was the next meeting of the trustees or the second meeting after, the trustees vindicated Somerskill by unanimous vote, although nobody told him about it, and the way he learned about it was when I asked him, "Aren't you pleased with what happened today?"

Hicke: Let me ask one other thing: on this committee, was there anybody who had voted against the original--

Heilbron: I can't remember who was on the committee.

Hicke: I wondered if they made an effort to balance it.

Heilbron: I would think that it was a balanced committee, and I can't even remember whether I was on it. But after all of this discussion, he got their support. In a book he wrote, he said that Dumke phoned him and congratulated him and he got a favorable telephone call from Governor Reagan.

However, the troubles of this campus continued. A Third World Liberation Front, which was Hispanic-led, took over the anti-racist program, and this front included, of course, the black students union. They demanded the admission of hundreds of minority students irrespective of qualification and wanted a black studies program set up under student control, student direction, employing the administrator or director of that project.

Hicke: Sort of the medieval concept of a university where the students hired the professors?

Heilbron: That's right. That happened in Bologna at a very early stage. Bologna is an old university, 800 years old or more, and the students then, of course, hired the professors. But they ran out of money and they had to go to whomever was the mayor or prefect or the head of the city to restore the professors and the professors' jobs. So this issue has been pending for some time.

Somerskill felt that his authority had been diminished, and in fact he had also faced the trouble with his faculty. One of the leaders of the student front was a faculty member and Somerskill fired him for his action. I can't recall precisely

what the action was, but I think the behavior warranted discipline. But it hadn't gone through the faculty due process, and the faculty were enraged by that. So he was getting it from all sides. He resignad, but he was going to stay on for a while until a new person was procured. But a person who resigns under these circumstances loses authority and soon finds that he isn't governing. One fine evening, when things looked pretty bleak for another campus outburst, he took off for Ethiopia. [laughter]

Now this is not quite as farfetched as it appears. He was looking for another position. The Ford Foundation offered him this position as an advisor to Emperor Haile Salassie for Haile Salassie University, and he had a rather brief period when he had to accept or refuse, and unless he accepted, he may not have had any office to look to. But it was a sudden departure, and the campus was not only ungovernable but ungoverned.

So another acting president comes into play, Robert Smith, who had great support from the faculty and whom a great many students respected. He had a long experience with the university. I believe he was dean of the School of Education. He answered the call to do what he could to deal with a much-wounded college.

Hicke: What did he think he could do?

Heilbron: He felt that if there were enough discussions with all parties and they had their talk-outs and teach-ins--maybe I should say talk-ins--that in the end reason would prevail and that order would be restored, but that the militants would have to have their day in court, and I don't mean judicial court, but their day in the sun rather than just in the administration building.

Problems and protests still continued. He was a target of protest, notwithstanding his liberal attitudes and perspectives. He felt that he could not continue and keep the university under control unless he was assured of the support, the clear support, of the trustees. The trustees were still divided on many protest issues. That is, there was the law-and-order group, who felt that you had to be firm, you had to call the police, you had to show who was in authority, and you could not appear to be weak under pressure. There was a minority--well, I don't know whether it even was a minority--there was the other side, who recognized that you could not dictate conduct from headquarters in Los Angeles, that each college was an institution on its own, that it had its particular problems, that all of them weren't the same, that some of them could be dealt with in one way and others in another way, that there were differences in

demeanor--it was different when a senior protested and did more than protest, got into some kind of violent conduct, than when a freshman whose hero was a senior was also involved because of being brought into the fray. So there were questions of why the behavior was brought about, what motivated the person, and there were adjustments that had to be made in the structure of the colleges to accommodate, for example, the black studies program. So the difference was really one of giving the college presidents some flexibility in meeting their particular problems or having automatic responses more or less dictated from the top.

Well, Smith resigned because he could not get the support that he felt that he deserved or had to have, and the new acting president was Sam [S. I.] Hayakawa. Now Hayakawa had been pretty much the representative of that part of the faculty that was conservative, more or less establishment, more or less of the older group on the campus that wanted a quiet campus where studies could be pursued, and he wanted to get rid of all of these protest problems. He had declared himself to be for law and order and had, I believe, written statements that had been circulated on the campus, stating that if there were going to be illegal acts, they had to be punished, and the proper people to come on the campus to do it were the police. But he said that he felt that he could speak to the students. He was, of course, a well-known semanticist, and he thought that if the proper words were used, the proper results would follow and he would try to go softly at first. Softly meant that he distributed flower petals all over the campus to show that there was a soft side to the campus and that people should more or less feel that there was going to be a spring renaissance, a resurgence of civility. That didn't last very long. All of the protests for the same reasons continued.

Hicke: Are we in the midst of 1968 now?

Heilbron: We are in the midst of 1968 and the latter part of 1968. The demonstrations took a very--well, they went to a pattern. The campus was absolutely quiet until close to noon. The television cameras would be set up around noon and the students appeared. [laughter] And many of the faculty now appeared in support of the students and particularly in support of the black studies program.

Now the faculty here were quite divided. Some supported the idea that there had to be a pretty independent black studies school or department. Others said that the curriculum of such a program, its administration, would have to go through the same deliberation for quality as any other curriculum program. The

trustees had agreed to this black studies program provided the procedure that I just outlined for quality control, let's call it, was followed. That didn't satisfy many of the others of the faculty, and as I indicated, there was this feeling that when the problems arose at San Francisco State, they would be going to headquarters 450 miles away for solution, that the system was wrong. Smith, actually, had risen to prominence administratively quite a long time before he became acting president, maybe a year or two before that, when he led a protest calling for decentralization of operations.

Hicke: In the system?

Heilbron: Of the colleges in the system. Of course, there were answers to that from the system point of view, but I'll not go into those answers at this time. It was the whole idea of getting a system together and of being able to finance the system and being able to support the very colleges. They wanted all of the money but none of the controls, but that's a separate question. The system meant not only the system, but the college; it meant the system in the country, it meant the social system, it meant the justice system, it meant the--

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Hicke: You just said it meant the racial relationships?

Heilbron: Yes, and the faculty were joining the students in their protests--the white students who had all of these social issues, the black students and minorities who wanted the minority programs and admissions almost uncontrolled. And we had, by the time of the so-called strike in San Francisco, close to 300 faculty supporting the students.

Hicke: It sounds like the original Pandora's Box.

Heilbron: So in the meantime, the trustees in some effort at relating to the college but recognizing the fact that it was located many miles away from headquarters, appointed a regional committee of trustees from the bay area to relate and work with the college administration and faculty if necessary to bring about some kind of peace. It was recognized that if we could solve the faculty problem, the student problem would be solved with it.

Hicke: Did you head that committee?

Heilbron: I headed the committee relating to the faculty. There was a community committee that was dealing with the students. The students, however, were getting tired of the struggle. Now I am

referring to a period of time somewhat, I believe, around November of '68 through January of '69. Our committee met with the leaders of organized labor in San Francisco whose children were attending San Francisco State, and with some of the administrative and faculty leadership, to determine what could be done. The faculty dissidents had employed a labor attorney by the name of Van Borg to represent them, and we had to meet with him from time to time.

There was no authority in the statutes for negotiating with faculty. There was only a requirement that we meet and confer. Now if you meet and confer with a person and have a discussion with him, sooner or later you will find that you are in agreement with some of the things that he says or in disagreement with some of these things. The exchange of views in themselves may produce results, but these results would have to be unilateral and declared and could not be the results, so it appeared, from negotiation. So it was a narrow line that we had to walk. And a good deal of sympathy was developing, for various reasons, for the students.

As they protested and demonstrated, Hayakawa did call in the police, the tactical squad, and he regarded the way that they circled around the students and narrowed the grip on student protests and finally made their specific arrests as a beautiful ceremony! [laughter] But it didn't help provide peace to the campus. We met mostly off-campus, although we had a couple of meetings on-campus with faculty and wound up with midnight meetings at my house with faculty.

Hicke: Were there some members of the faculty that you met with particularly, or how did that work?

Heilbron: I'm going to try to--. I know that there was a Pentony, and I know we met with the deputy of Hayakawa, and we met with representatives of the academic senate, I think Professors Bierman and Axen, and there were others. We met with a group selected by the faculty that we had nothing to do with choosing. But we met with other people as well, in an effort to work out a solution, because a good many people were being arrested.

Counsel for the system had obtained an injunction against the so-called strike and against threatening picketing, in other words not picketing for information and communication but what can be termed "violent picketing." No arrests were ever made under that injunction. I had grave concerns about it.

Hicke: From a legal--

Heilbron: From a legal standpoint. The injunction was obtained on the theory that a strike against any part of the state was illegal. Now there was a [United States] Supreme Court case with a dictum to that effect--not a decision, but what's called a "dictum", or kind of an insert of an opinion--and there was very much of a lower California court case which indicated that any such strike would be illegal. But to make arrests of faculty on a criminal contempt charge of the injunction, the publicity that would bring--without discussing it, I had my own estimation of what the liberal Supreme Court of that time would do if the case ever got up to it, and what the damages could be to the state in back pay and everything; there was also a question as to whether there was a strike. Many of the picketers were teachers who would go to teach their class and then come back on the picket line! So was there a strike or wasn't there? There was a statute, however, that was a kind of absentee statute that conservative people, and I believe the governor, wanted to rely on. It stated that any employee of the state who left his position without consent and remained absent without any kind of reporting--

Hicke: No notification?

Heilbron: --no notification, would automatically be deemed to have resigned in five days. So the question was, for many of these professors, some of whom really did not go to class, were they under that statute? Had they resigned? There was a provision in the statute that allowed them to apply for reinstatement for cause, and that turned out to be a very important escape hatch.

Meanwhile, Hayakawa had canceled the college period before the end of the term, he abbreviated the term by one week, with the intention of putting that week later on an extended term, in the hope that a longer Christmas vacation would quiet things down. But when the students came back and the faculty came back in January, it was to the same old places, although we had made considerable effort to try to bring about peace.

Through some kind of faculty organization and, I believe, the labor people in San Francisco, they brought out a man from Wayne State University by the name of Ronald Haughton, and he became a facilitator of discussion. The committee consisted of Albert Ruffo, James Thacher--Thacher was from San Francisco, Ruffo had been mayor of San Jose and had been chairman of the board--George Hart, also from San Francisco, Karl Wente, from Alameda County, and me.

Hicke: Wasn't he with the Bank of America?

Heilbron: No, this is the younger Karl Wente. Hart was an extremely conservative member of the board. He hardly participated in any discussion whatever, but he took copious notes on what we were doing and where these notes went, I don't know. I suspect. Wente was an appointee of governor Reagan. He was a very honest, receptive person who wanted to be of help to the committee and to the board, but he finally was persuaded by the governor to resign the committee because he would be doing things contrary to the governor's wishes. So the active committee was down to three of the five.

Hicke: I take it not all of you were appointed by the governor?

Heilbron: We were all appointed by the governor. I was appointed by Governor Brown.

Hicke: Oh, the previous. I guess I was thinking he was appointed to this committee, but you meant he was appointed as a trustee?

Heilbron: He was appointed as trustee by [Reagan]. Yes.

Hicke: And then he had to resign as a trustee?

Heilbron: No, no. Just from the committee, because I guess the assumption was he would be embarrassing the governor's position.

Hicke: Okay. Thank you. So you were down to three active--

Heilbron: Did I mention that the Teamsters were really involved in this? Because the Teamsters were potentially much involved in the situation. If they stopped deliveries in support of the strike, the party was over. We had to have the Teamsters remain neutral.

Hicke: And who was the head of the local Teamsters?

Heilbron: I don't remember the head of the local Teamsters, but I do remember that the secretary of the San Francisco Labor Federation, Johns, was one of the people we dealt with, and he was able to convince the Teamsters to remain outside of the fray.

Hicke: And you were able to convince him?

Heilbron: Well, we worked with him. Haughton was greatly responsible--Haughton became a member of the federal commission handling all labor problems within the civil service of the United States for President Johnson. So he was a first-class person.

With these almost-daily demonstrations and arrests, the community was getting pretty tirad of San Francisco State, the students themselves were getting tired, and the faculty were shouting at each other. Classrooms were disrupted. John Bunzel, who became president of San Jose State, was then the chairman of the political science department, and when he appeared in his classes, students in the front row stamped their feet so that neither he could be heard nor the other students who wanted to listen. He dismissed the class. His tires were slashed; his automobile was damaged. So matters were physical and occasionally brutal.

Finally, I worked out what I thought would be a plan of action in the form of a letter. First, we'd give amnesty to the faculty protesters. Second, we would recognize that a black studies program in line with faculty traditions was operative and was to be encouraged at San Francisco State. Third, that the faculty members who had been absent from their classes and had participated in the so-called strike would be expected to file with the state Personnel Board an application for reinstatement, and fourth that a new grievance procedure, which had been approved by the state senate and was up for consideration by the trustees, would be recommended by us as individuals. Indeed, this whole letter was by three of us as individuals, the three that were named.

Hicke: You and Mr. Thacher?

Heilbron: And Ruffo. But this draft of communication was not to be the act of the committee, it was to be agreed to by the San Francisco State College. I got the deputy of Hayakawa, who was authorized by Hayakawa to sign for the college, and I got hold of Van Borg, who had just come back from vacation in Hawaii, I got hold of him, and he came to our house close to midnight, and he approved the letter, or was satisfied by the letter, let's put it that way. It wasn't a question of whether he would agree to the letter as a kind of a contract or not, this was what the college was willing to do. Would he advise his people to act accordingly? That was all that could be involved. The faculty accepted this idea.

Of course, in the meantime, the governor was against any kind of transaction involving the faculty. They should either come back or quit, and any kind of implied recognition of their interests was not acceptable. You will recall that the same pattern was followed with the air traffic controllers when the governor [Reagan] became president. In that situation, however, there was unquestionably a statute which made action against the government of the United States--the strike--illegal. So he did

have that legal position, but there was the same question as to whether that action was in the best interests of the United States. There are divided opinions on that. In any event, he had the same position regarding the teachers. He also felt, for some reason, that we had no authority to deal in the way we did with the faculty and the other people who were involved in the effort to settle the dispute.

Hicke: As trustees?

Heilbron: As trustees, that we were a regional committee to be somewhat advisory to the trustees but had no real authority to discuss as we had, or confer as we had, and try to work out a solution as we had.

Ted Merriam was the board chairman at the time--

Hicke: Chairman?

Heilbron: Chairman of the trustees. He was a Republican. He confirmed that we had the authority that we claimed we had.

Well, we came to a meeting in Los Angeles--

Hicke: Of the trustees?

Heilbron: --of the trustees, and the question then was, would all of this effort at settlement be rejected? It was obvious that the trustees were not giving anything except for permitting the faculty to resume their positions and their livelihood on application to a neutral agency, that what had been done had been done by trustee and college action with the exception of our individual recommendations for the grievance procedure. That was the story. This came as somewhat of a surprise to the governor. I believe he was advised by all of the people that he later brought to Washington, including [Edwin] Meese. But the question then was raised, since the deputy under Hayakawa had signed the letter--

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Heilbron: --and Hayakawa was in the room, he was asked, "What is your position, President Hayakawa?" I was very much interested in his answer. His answer was, "I think Mr. Heilbron is right, and I think that this matter should be resolved in the way that this letter states."

Hicke: Oh, terrific. What a relief.

Heilbron: That was a relief, and then I got a standing ovation. Then the governor, of course, did not reappoint me. [laughter]

Now, there is possibly a little postscript to this. J. Hart Clinton, the publisher of the *San Mateo Times* and an attorney in San Francisco and perhaps at that time the leading negotiator for management in labor relations in town, had written a letter advising the governor to reappoint me. He had also written Caspar Weinberger, who was then the governor's director of finance, to ask the governor to reappoint me. Both newspapers in San Francisco had asked the same. We know how the governor finally acted, that he felt that I had participated in a situation where we didn't have authority. Mr. Clinton, after hearing from Mr. Weinberger's explanation of the governor's failure to reappoint, said that he still felt the governor made a mistake, and here is what he said: "In fact, although the governor's position on the handling of the college problem is undoubtedly popular and is gaining him many votes, I still feel that Louis Heilbron and I have as much dedication to law and order, and we dislike rioting and activism fully as much as the governor. However, the situation is not going to be settled by complete polarization of viewpoints, and if it were not for people like Heilbron, who stuck out his neck in order to bring the San Francisco State situation to an acceptable conclusion, the governor would not be in as comfortable position as he is today. He looks good because he gives everybody the impression that he took a tough position and won, but it was Louis Heilbron who did much to bring the matter to a successful conclusion, and yet he not only fails to get the credit, but ends up by losing a job. All of which means to me that the governor has profited greatly and good people like Heilbron have ended up as sacrificial goats in the process."

Hicke: Wow, that's pretty strong. That is truly significant. That accomplishment of yours is really a major one, and it's unfortunate that it was so unappreciated by Governor Reagan, though not by everybody else.

Heilbron: Well, the letters I got were sure approving.

Hicke: You have a file there that looks like it's an inch and a half thick.

Heilbron: And they were all letters. And they came from people like Kerr and Dumke, a beautiful letter from Dumke, and [Norman L.] Epstein, who was general counsel but who has become a justice in the [state] court of appeal. They were very good letters. I didn't know whether to bring this thing out or not, because it is self-serving.

Hicke: But I'm glad you did, because it really indicates the support that you actually did have.

Heilbron: Oh, I had a great deal of support. Much of it is not evident here [indicates file]. There were communications sent that I never saw.

Hicke: When you were actually negotiating, or not negotiating, conferring, what kind of support were you getting?

Heilbron: Well, the community was anxious that the affair be settled, and it's a good question. I don't know what the papers then actually said. I think that the papers were quite supportive. I'd have to check and look that up. I haven't got any of the papers at the time, but there was one interesting thing, and that is that Van Borg went down to Joseph [L.] Alioto, who was then mayor [of San Francisco] and told him that the whole thing was settled and that it was a great victory for labor.

Hicke: Oh really?

Heilbron: I was invited to go down, and I didn't, because I regarded this as something San Francisco State was settling, and I was not going to be a principal in that affair. Alioto had wanted an end to the turmoil, and he had sympathy for many of the professors, and of course he was a political opponent of Governor Reagan. That introduced a kind of an amusing note. However, it really was extraneous to the settlement.

Hicke: What was Hayakawa doing all of this time?

Heilbron: Hayakawa had done one very important and symbolic thing in all of this situation of student protest and strike. The students, before the noon gatherings, had a truck, and on top of that truck a loudspeaker to call the faithful to action. At a somewhat early point in his career after the flower drum song didn't work, he went up to where this truck was, and he climbed up that truck, and he disconnected the wires himself. The mouthpiece was silenced. That twenty-five seconds earned him the senate position in the United States. There was practically no other thing that he had ever done that warranted his elevation. But it so captured the imagination of the people, it so did what the community-at-large wanted to do to the violence of students, that he sailed in with little of a campaign.

Hicke: And of course what he was doing was cutting communications. [laughter]

Heilbron: That's right. He cut communications in order to have the greatest communication, I guess, in political senate history.

For much of the time that we were sweating out the situation with the deputy, he was examining the clippings about this very important act in disconnecting the student megaphone. He didn't participate in much of the discussion, either with faculty or with us. From time to time, I called him and kept him aware of what we were doing, and I'm sure that the faculty and senate tried to do the same thing, but he had done his job and that was it.

Hicke: Resting on his laurels?

Heilbron: He rested on his laurels. But there are two pieces of importance. One of them was what he did with that loudspeaker and the other was what he did at that meeting.

Hicke: Supporting it?

Heilbron: That's right. And for my part, the rest of it can be forgotten. [laughter] That was critical; he backed his deputy. That was it.

You might be interested in some of the things that the committee talked about and what its viewpoints were during our discussions. We stressed that violence was an unacceptable route for a university with the traditions of American and English universities.

Hicke: Was that with the idea of not calling in the police any more than necessary?

Heilbron: Well, the calling in of police was not our prerogative. It was definitely the prerogative of the president of the university. But we wanted to make clear that we were not supporting violence in any form by student or faculty or anybody else; that the university was a place for reason, and if the university couldn't solve its problems, the society-at-large was lost, too. We agreed on the basic right to protest, to dissent, but not to disrupt. We pointed out again and again that most of the concerns that the faculty had had already been answered; they didn't realize that. We went over these items. We recognized legitimate complaints, such as the fact that the college should have more flexibility in financial and in other areas, but much of this program was controlled by statute. I told you before, I think, that we didn't have line item authority to transfer between items. You could protest about it, but the place of protest should be the legislature. I indicated that we

recognized that the faculty needed a grievance procedure that they felt protected their proper interests, that there had to be due process but not endless process. It was important that the campus be kept open, that it should not be shut down. It was not right that an institution that should be open to discussion and reason and argument should be shut down.

And I will add that we paved the way for an administrative conference between the faculty and the representatives of the headquarters administration. They came within a very short distance of resolving the conflict after we had prepared the way, but at the last minute they simply could not bridge the gap.

Hicke: Well, I thank you for going through your files and your careful preparation. That really makes it a full account.

Heilbron: Well, actually I have a number of files that I haven't consulted, but my main file in this area, as in others I think I told you, got lost when we moved to this apartment. I had written out the whole situation and would have saved you all of this valuable time, if I had taken it with me. Why I had only one copy, I don't know, but that's all I had.

Hicke: Now we have it.

Let's just switch gears here for a minute and back up to Clark Kerr's part in the original Master Plan planning.

Heilbron: Well, President Kerr had a great deal to do with the formation and the implementation of the Master Plan. Of course, he represented the university along with two of the regents in most of the discussions with the other segments, but beyond the procedural, he drafted much of what was agreed to and when the issue arose as to whether the university would find the compromises acceptable, he called a large meeting and it was agreed to support the plan from the university's standpoint. This included the constitutional position of the new board of truatees for the state colleges. President Kerr was reluctant to permit it to decline into a statute, as we discussed before. And then he supported the idea of a board of trustees modeled after the regents; he wanted that board to have broad fiscal authority that was denied in the legislation finally passed. He was quite supportive during the operation of the plan to give the college administration as much leeway and authority as the university had, provided that it kept within the confines of the legislation and did not aspire to turn itself into a competitive research institution. Does that do it?

Hicke: Yea, thank you. But what about President Dumke?

Heilbron: Let me quote what I said at the dedication of the CSU Archives: I said, "I pay tribute to Chancellor Dumke, an extraordinary public servant by any standards, who has given direction to this system over almost its entire life and whose imprint will last far beyond the two decades of history that we are celebrating this evening. His survival in his post is already a legend in the annals of American higher education--at times it reads like an account of the *Perils of Pauline* or even of the *Raiders of the Lost Ark*, but actually survival is not the mark of his administration.

"Rather his persistent efforts to achieve quality education throughout the CSUC, to provide new approaches in educational methods, and to maintain this segment's commitment under the Master Plan of which he was a principal architect--these are among the contributions that will mark his era."

I think that this was a fair assessment.

Coordinating Council for Higher Education

[Interview 9: July 15, 1992] ##

Hicke: What I had in mind today was to start off with the coordinating council.

Heilbron: You mean the Coordinating Council for Higher Education? Yes, that was part of the Donohue Act, the provision for such a coordinating council. You may recall that there had been a liaison committee between the State Board of Education and the University of California at an earlier time, that is prior to the Donohue Act, whose purpose was to adjust conflicts between the state colleges and the university, and yet that had not proven sufficiently satisfactory, so the coordinating council was made part of the program for monitoring the implementation of the Master Plan.

Hicke: So this came into being along with the Master Plan?

Heilbron: At the same time. The coordinating council consisted of representatives from the various segments of the higher education system. That is, there were three representatives from the University of California, there were three from the California State Colleges, there were three representatives of

the junior colleges, who at that time had not been gathered in to any single organization where there was oversight--they were still individual.

Hicke: And they were locally funded?

Heilbron: They were locally funded, but with substantial state subsidy. I think it was nearly fifty-fifty. So the representatives were chosen by some kind of association that they had together. The private colleges were also represented, and there were three public members. So that, I think, made fifteen members. I believe that originally, in the first council, Dr. Kerr, Ed Pauley, and Mr. Carter represented the university, and Dr. Gallagher, who was the chancellor of the CSC system, and I, and Alan Sutherland represented the California State Colleges. Father Cassasa, president of Loyola College, and Dr. Arthur Coons, who was president of Occidental College, and Helen Milbank, a noted international reporter, represented the public. Robert Wert, who was vice-provost of Stanford [University]--he became president of Mills College--and Warren Christopher either represented the private colleges or was a public member. I may have the public members and the private institutional members, or the time of appointment, mixed up a bit. But the theory of representation I have given you. I know that Roy Simpson and Joseph Cosand and perhaps Andrew Kay represented the junior colleges--no, Eleanor Nettle was the third person for the junior colleges.

The idea of this council was that it would advise the segments regarding their functions and levels of expenditure under the Master Plan.

Hicke: You mean the university and the state colleges?

Heilbron: And the junior colleges, too. That it would interpret the purposes of the Master Plan as it applied to these segments. And that it would advise the governor, the legislature, as well, on the higher education problems of the state, in addition to specifically advising the segments.

The liaison committee had operated privately. This council was a public institution whose meetings were open to the public, and it was thought that by airing any difficulties the segments might have between themselves or among themselves, the public would benefit and higher education would benefit. By compelling the discussion to be public, we expected a principle established of cooperation and civility. I think both of those objectives were accomplished. It could not order the university or the state colleges--certainly not the junior colleges that were

locally organized and authorized--it could not order these segments to do any particular thing. But it could recommend, and its recommendations would be public, and the governor would know about them and the legislature would know about them. As a matter of fact, in one area, the legislature flatly declared that it would not approve or authorize any new campus or facility unless the coordinating council approved and recommended it. So it did have a certain amount of let's call it clout, not only because of its public character, but because of the people who were on it. The top representatives of the segments (when I say "top" I mean in their official responsibilities within the segments) were present on the council, so that they didn't have to go back to anybody for approval as to what their views would be.

Hicke: Was there the support of the governor?

Heilbron: Yes, most of the members were well known to the governor and had his confidence. I know that Warren Christopher was chairman for some time, and he had been an advisor to the governor. Christopher has had an extraordinary career in California, at O'Melveny & Myers, as president of the Stanford Board of Trustees, in the southern California community, and as U.S. Secretary of State. Most of the segment representatives had worked with the governor. Robert Wert served as the first chairman.

The subjects of consideration by the coordinating council were pretty much the following: they reviewed the general level of support sought by the segments. In other words, they reviewed the budgetary requests of the segments.

Hicke: Which had gone into the legislature?

Heilbron: Were about to go into the legislature, and the legislature wanted to know what the viewpoint of the council was. Of course, if there was disagreement between the representatives of the segments, it would be shown in the discussion and in the minutes. That was one important function.

The council monitored the manner in which the differentiation of function was being handled by the segments. In one case, for example, the Presbyterian [Medical Center] in San Francisco asked the state colleges for approval of a hospital to be attached to San Francisco State College, and the trustees of the state colleges immediately forwarded the communication to the coordinating council. They recognized immediately that if they would have any participation in instruction, the proposal was violative of the Master Plan since

medicine and the training for medicine was solely a university prerogative. But the trustees preferred not to turn the application down directly but that the council advise them that they had no authority with respect to the matter and that the situation could be politely resolved, not through a direct refusal, but through the reply from the most appropriate agency advising that they had no authority to consider or accept.

Of course, the monitoring was usually directed to others than the university. The univeraity was constitutionally organized and could practically do anything in higher education that it felt was appropriate. I think, however, that if the university had stated that it was going to concentrate on the training of teachers, that the council would have recommended to the legislature that in some way they use their financial leverage in budgeting to prevent that which had been for years the prerogative or the function of the state colleges. Actually, the state colleges grew out of the normal schools, as you know. So much for monitoring.

The council had this very important duty to review the requests from the segments for the establishment of new campuses, and adopted one very critical criterion involving the junior colleges, and that is that no new campus would be established for the university or the state colleges unless there was adequate junior college opportunities covered in the primary area to be served by the new campus.

Hicke: In other words the junior colleges should come first?

Heilbron: The junior colleges would have to be there to offer the opportunity for lower division instruction before an upper division or graduate program was established. This held up, for a little while, the Sonoma State College program. It had intended to include freshman when it was to open in 1962. At that time, Sonoma County had not been adequately covered by junior colleges, that is all of the cities and towns of Sonoma County and Marin, and that was remedied before the Sonoma State College opened.

Hicke: Who determined what was "adequate"? Maybe there were criteria already set up?

Heilbron: Of course, the junior college district would have to raise the money to establish the college campus itself. The principle of the council was that the majority of students would have to live within twenty-five to thirty miles commuting distance from this new college to be established. At the time of the establishment of the council, I suppose there were somewhere close to 100

junior colleges. That grew to around 107 rather speedily. I don't know to what extent that has been increased since then, but it can't be a great deal, because we were pretty well covered in the state of California with junior colleges. What the council sought to do was to protect the junior colleges against unwarranted competition from new state institutions and to protect the principle that there had to be complete opportunity for young people to get through the higher education system from the first year on by being able to go to a junior college within their residential area.

Now this expansion worked pretty well. Those state college institutions that had been approved by the legislature before the Master Plan, before the Donohue Act, were not limited, or were not to be reviewed. We had an institution down in the Valley (Turlock), and Sonoma State had been approved under the old regime. But the new ones and the sites for the new ones were reviewed and approved. When I say sites, the council would approve the area where the new institutions would be established, but not the particular site. They would say you can go ahead and we will recommend to the legislature that a state college be established at Bakersfield. But the particular place in and around Bakersfield for that college would be a matter for the trustees of the state colleges and the same principle applied to the university.

The coordinating council staff was separately chosen by the director of the coordinating council. The first one was John Richards, formerly chairman of the Oregon State higher education system. In some cases, the experts were lent by the segments to make as complete use of personnel as possible, at the least cost.

The council was charged with looking forward and planning. When the Master Plan began in 1961, growth was projected by the State Department of Finance and by people in higher education. So the council recommended expansion, looking forward to 1975--this was 1960-61--for all segments. They reviewed the needs for medical education for the next ten years. They had special studies concerning salaries and working conditions and fringe benefits for faculty and administrators in both the university and the state college systems. They reported on the progress of "articulation," the facility with which junior college graduates were accepted for transfer by the university and the state colleges. The state colleges were always pressing for more equality in compensation for teachers who were teaching the same subjects as those in the university, but whose teaching loads were greater. Of course, their research obligations were less, and those adjustments were not easy to make, particularly since

the legislature was always holding back a bit on equalizing the compensation. I'm not talking now about expertise in mining or in physics.

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Heilbron: I'm talking about the professor who teaches American history in a state college and in one of the university campuses.

Hicke: Were the salaries equalized?

Heilbron: They were brought up quite well, I think, during the sixties. As a matter of fact, in the earlier part of the sixties, when the state colleges were expanding at a rapid rate, in order to draw and recruit personnel, it was necessary, and the legislature recognized it, to raise salaries. I think that at least with respect to comparable institutions, the California salaries for the state colleges were higher than comparative institutions in the United States with whom we were competing. I think later on that has dropped.

Hicke: But compared with the university they have come up?

Heilbron: The state colleges did come up, but not to the same level. Now, of course, it is the California State University. But that research requirement in the university is still the distinguishing one, although the state college (university) has always contended that the person with the greater teaching load is nevertheless performing an equal service.

The council, in order to make its projections, asked for uniform accounting and reporting procedures so that its data were comparable.

The Liaison Committee between the State Board of Education and the university had a great many agreements on specific matters. The question was raised whether they would survive the creation of the council.

Hicke: Were these formal agreements?

Heilbron: These were formal agreements, and the decision was made to review every one of them. Those that were approved to be continued would be continued, and those not approved would be cancelled. That worked out to everybody's satisfaction.

One of the problems that came up early on in the council referred to the matter of tuition. There was always a materials fee charged by the university and the state colleges, and one of

the sources of pride in California was that it had a relatively free higher education system. Even the increase in materials fees would be a matter for considerable discussion in the council as to how far increases should go when the whole purpose of the California system was to have a tuition-free program, and there was always a question as to how much the materials fee was really a kind of a substitute for partial tuition.

But tuition itself, as a means of supporting the university, became a question even in the early sixties. With the burgeoning student population, there were those who felt that tuition was inevitable, and some of us fought that idea to the last trench, although in our hearts we knew that the time had to come when the tremendous college/university population pressure on the universities, the tremendous costs for expansion, the costs of administration had to be paid for by something besides the general appropriation and general tax money. But I believe for most, if not all, of the time that I was on the council, the free tuition principle held.

Now, whether it was going to hold in the future--as I indicated, it appeared to most council members that it was a question of time. But the idea of opposing tuition really translated ultimately into holding the amount of tuition down. If you start with the idea that there shouldn't be any tuition and then have to charge tuition, at least you want to make it a minimum tuition. For years, I think that the California institutions did remarkably well compared with the situation in other states and compared with the opportunities given to students throughout the state. So that the idea now, that you go up 40 percent in tuition in a single year, as I believe the California State University is going to do, would be impossible to think about in the days when we were serving. A few percent, yes, but the transfer of this amount of burden, no. But that is, of course, the difference between two eras of state financial resources.

Even Governor Brown, who was so supportive of public higher education, if he were the governor now, would not be able to carry out the ideas that he may have had then.

But I suppose it's worth mentioning the obvious, that in the sixties, even with all of the protests and the period of troubles with students, those in charge of higher education were very proud of the system that had been developed. We had this open door opportunity where we felt that everyone would have his chance to take advantage of higher education at truly minimum costs. I realize that these days it's more and more difficult,

even with extended scholarships and government aid, for the institutions to hold onto that premise.

I think that during the period of the sixties, the junior colleges more and more became dependent on state subsidy, and when it got beyond 50 percent, the state took more and more authority and created an organization to monitor the junior colleges, and they have felt the pinch perhaps more than any other part of the higher education system, because that is where the great influx of college population begins.

Hicke: I just heard this morning that they have turned down over 100,000 applications in the last school year, the junior colleges, which were supposed to be open to everyone.

Heilbron: That is correct. Just as the university at Berkeley has cut down on admissions (I understand now unfortunately being unable to admit many people with 4.0 average from the high schools) and the California State University [system] is closing off on admissions and classes, not having sufficient faculty and classes to accommodate the students who want them, the junior colleges also are in the situation where they have had to turn back people. I will say that this is an unexpected and unfortunate problem for the Master Plan. The Master Plan contemplated full opportunity, and that isn't now available. The Master Plan in effect is being amended by financial circumstance. I assume that it will be some time before the state's fiscal situation can restore that opportunity, if ever.

Hicke: Let me ask you to comment on what part you think is played by the fact that people's expectations were raised of having a free or at least easily accessible higher education in California, so that perhaps parents didn't save for a college education like they did elsewhere, and now a big part of the problem is that their expectations are not reality.

Heilbron: I'm inclined to think that their expectations were more or less based on the system as they understood it to be. I'm not sure that they would have saved too much. We are not, unfortunately, a saving population. I think that's one of the lessons that's being learned during this recession-depression, that the American people have to take a longer view of economic prospects and opportunities and plans. I know people do, now, save for the higher education of their children where they did not do that before. But somehow you've got to have the disaster first, before you learn the lesson.

Now as to the quality of education, I can't comment on the present, because I don't know enough about it. But I believe

that the quality of education is being maintained by limiting the opportunity and holding onto faculty pretty well. But when I read that early retirement is being provided to induce faculty to leave, and this means senior faculty, I get deeply concerned about it.

But the higher education program has to be taken along with public education generally in California. That is suffering seriously from kindergarten through grade twelve. It is also rather interesting that even during our period of expansion during the sixties and early seventies, perhaps even later than that, there were many people who said that too many students were going to college who shouldn't really be going there, that they weren't really taking advantage of the opportunities that were given, that some of it was remedial, that the equivalent of the European high school was the fellow who had gone as far as being a junior in college or at the university. Unfortunately, now very good students are not getting the opportunities that they deserve.

The private universities were not given too much consideration with respect to the Master Plan, although lip service was given to the fact that they often are the sources of innovation and are more flexible than state institutions. But it can be that the private universities now will take up some of the burden that the state institutions are unable to carry. They have become more important in the general scheme of things.

Hicke: And individual people, parents and students, will have to take more responsibility for the financing there.

Heilbron: The difficulty always is, for the private institutions, that they usually cost far more than the public institutions, so when you say carry the burden, what you mean is that those financially able to go over to private institutions will probably take advantage of that opportunity, but others will not.

Hicke: There are a lot of scholarships available, I think, and maybe that's another way that society can--

Heilbron: Yes, I think that the development of the federally and state-financed scholarship programs during the years has been notable. Far more scholarships, grants, and loans exist than were available during the early period of the Master Plan.

To get back a little bit on organization of the coordinating council, in due course there was a good deal of comment on the fact that the California State Colleges and the

univeraity got along quite well. Maybe it was because they supported each other's aspirations and were willing to support the financing of each other's programs in the legislature. There was a little log rolling between these two venerable institutions. That caused a change: first, either the coordinating council or its immediate successor added a number of public members so that the majority became public members.

Later a more representative body was created consisting of seventeen members, nine from the general public, six from the segments, and two from students. The public members are selected by different high government officials--these each appointed for six-year terms by the governor, the senate rules committee, and the speaker of the assembly. The governor appoints the students. I suppose the idea is that the public majority may be educated by the segment representatives on segmental matters, but are conscious of the interests of the respective appointing powers and practical and political considerations as well as educational. The six from the segments are trustees, or regents. The agency is called the Post-Secondary Commission.

Theoretically, this widely representative organization should carry more influence than the original coordinating council had. It should, but I don't know the evidence to prove it. Certainly now (1993-1994) is the time to demonstrate effective leadership. Clark Kerr in the fall of 1993 addressed both the Regents of the University of California and the Trustees of the California State University and then the Post-Secondary Commission outlining the challenges to higher education in the state in clear and stark terms. He said that what was needed was vision and planning in the management of resources on a scale equal to the academic master planning of the 1960s. Higher education must come up with its own solutions in order to raise legislative participation. The higher education community--all segments--must devise programs of tuition, teaching load, consolidations, terminations, contract arrangements, emphases and technological uses that will preserve California higher education as a model--and not permit it to sink into mediocrity. And in doing so they must look to provide for a future of student applicants equal to or exceeding the demands of the baby boomers of the sixties. Will they meet the challenge? Are the leaders there? Will the huge alumni of California higher education respond with coordinated and effective support? We are struggling in one of the historic periods of the state and for its own future well-being the state must face and solve its higher education crisis.

My estimate is that the real, creative solutions and adjustments will come up from the segments directly affected, including saving the vested research function of the University of California.

Hicke: Why were public members increased to become a majority?

Heilbron: That was done partly to provide an overall "independent" monitor, theoretically, with greater influence on the legislation with respect to advising on planning and appropriations.

Of course the university's constitutional protection is inviolate, but the university is substantially dependent on appropriations from the state. Then again, I have talked about public and private institutions, but the private institutions have become more public and the public institutions have become more private in the sense of their funding. The University of California goes out for money that was impossible to think about in the time that we were there.

Hicke: Private funding you mean?

Heilbron: Private funding. UC Berkeley raised $400 million in the campaign for "Keeping the Promise" for example. When some years ago $300 million was raised by Stanford in one year, that was considered a great achievement. Here the public university has raised $400 million, and of course Stanford now raises much more. But at the same time, who makes possible all of the students [at Stanford]? The federal scholarships and loans and the state scholarships and aid make it possible. We've always thought of Oxford University as being a "gentlemen's university." I don't know about Cambridge, but Oxford is mostly, I believe, filled with students with scholarships from the government of Britain.

Hicke: And the British universities are--I met a man who was coming here--met him on an airplane--coming over here to learn how universities raise funds, because where they had always had government funding before, they were now having to raise their own.

Heilbron: That's right. Well, when Great Britain expanded their college system to be much more decentralized, as ours is--that is, when they created comprehensive universities that were not on the Oxford or Cambridge level, they succeeded to some of our problems.

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Hicke: You had just said, which was lost on the other tape, that the people came over here from Great Britain to study both of the systems in California, including the coordinating council--

Heilbron: Yes.

Hicke: --before they established this new system.

Heilbron: Well, when you say before the establishment, I would say in connection with the expansion of their higher education program throughout England, and I assume Scotland.

Hicke: That's pretty interesting. Did you talk with them when they came over?

Heilbron: Yes. I don't want to give the impression that they wouldn't take action until they really looked at us, but they were most interested in how we functioned.

Hicke: How long did you stay on the coordinating council?

Heilbron: During the entire time that I was a trustee. After I ceased to be chairman of the board, I was always appointed and reappointed as one of the representatives of the state colleges.

Hicke: Okay. That was 1969?

Heilbron: Well, 1961-69. I'll just conclude this part of our discussion by saying that I think the coordinating council's most important function was to oversee and substantially control the orderly growth of higher education in the state of California.

Hicke: And how do you assess its success?

Heilbron: I think it was successful where the legislature followed its guidance, and when I say that, I'm referring to the fact that it approved areas for expansion that the legislature did not act upon. In some situations, it may have been in error, but I think generally speaking it was correct in foreseeing where the growth was going to be. For example, and I think I told you about this before, it approved the recommendation for a state college in Contra Costa County, and the state colleges did receive 200 acres at a bargain price for a fine college campus at Pleasant Hill. Ultimately, the state sold this property.

Incidentally, it also identified Ventura County as a place for another college, but merely to set it aside and not to authorize the campus. They also approved an area around Redwood City to relieve the pressure on San Francisco State. That

property was owned by the City of San Francisco (even though it was in the County of San Mateo) and was going to be made available, but it was not implemented. And in Los Angeles you've got the San Fernando Northridge campus, the Dominguez Hills campus, the Long Beach campus, the Riverside (UC) and San Bernardino campuses, and San Diego State. It may be that a project in San Mateo was fully warranted.

There is no doubt in my mind that the original council did look far ahead and wanted to equip the state with higher education facilities effective to this day. Had they done so, I suppose that we'd be in further deficiency and we would not be able to maintain and keep up the expansion. I always cautioned both the state colleges and the coordinating council that one always should be very careful on expansion, because the more branches you get, the weaker the other branches may get to be. There develops more competition for funding, and you should be pretty certain that you can fund the old institutions, this new institution, and all of the other new institutions when you get to them. Expansion can be a weakening as well as a strengthening factor.

I would like to add a note that John Richards and A. G. Spalding were thoughtful and skillful directors of the Coordinating Council. Keith Sexton should receive special mention.

Accreditation

Hicke: The next thing I guess we are going to talk about is accreditation.

Heilbron: Yes, accreditation of public and private universities has become a vital part of the education scene. I was appointed to become a public member on the Federation of Regional Accrediting Associations in 1970, and subsequently that developed into the Council on Post Secondary Accreditation, where I also served for six years--I think three years on the regional federation and six years on the council--and then I served for about six years on the recognition committee, which was a subordinate though probably the pivotal agency of the council. Perhaps I should outline a little bit of how this whole operation is organized.

Accreditation is a quasi-public function, but it is privately organized in the sense that it is a nongovernmental operation.

Hicke: It deals with both public and private schools?

Heilbron: Yes, in this way: there are about six regional accrediting agencies, dividing the United States and Hawaii and Alaska into a Western Section and a Northwestern Section and a Middle States Section, an Atlantic Section, New England, and a Southern Section (I believe I have named the principal ones). These agencies accredit individual institutions on an institutional basis. Is their general operation a quality operation? What should be done to improve the operation to make it a quality institution? All of the institutions that are accredited in an area comprise that particular association. They will include the most prestigious institutions, such as Stanford University. These lead institutions may not need accreditation to survive; they have an important part in determining accreditation.

Hicke: Standards?

Heilbron: In setting the standards for accreditation. But all of the other institutions of higher education are subject to a regional accreditation body. Then, on a national scale, there are about sixty-five or more professional and program accrediting agencies. These may be huge operations like the American Bar Association accrediting law schools, the American Medical Association accrediting medical schools, the engineers have their association [the IEEE], the business schools have theirs, those in chemistry have theirs, and the nursing profession and the anesthesiologists have theirs respectively.

Hicke: These are professional?

Heilbron: These are professional organizations, and there are vocational organizations, too. It gets down to that level. But, of course, they simply accredit schools or departments within their field.

Now, there has been a proliferation of these agencies. If you can't get accredited by your agency, form another accrediting agency yourself so you can get accredited. But that runs up against the problem of the Council on Post Secondary Accreditation, because that body accredits every one of these professional and vocational bodies in addition to the regional bodies, so that a university may receive accreditation for a five- or ten-year period by the regional accreditation body, but they will have the chemistry organization come in to see how their chemistry program is going, the business people to accredit their business school, et cetera. They don't have to have that. If they don't want to be accredited, they don't have to apply for it. Regional accreditation is quite essential to

the existence of an institution that is going to have much of a quality claim on the public, but accreditation by a professional body may or may not represent a similar necessity.

Now, you certainly are not going to be a nurse if you don't go to a school with an accredited nursing program.

Hicke: So state licensing agencies look at these accreditations?

Heilbron: No, that's not true. No, I'll amend that. State licensing agencies in many states simply accept the accrediting body's accreditation as sufficient to show good proof that they can be licensed.

Hicke: I guess my question was: do the state licensing agencies depend on the accreditation agencies?

Heilbron: To some extent, but the state licensure is a very limited operation in most states. I think that if you had--I don't know what the situation is today, but--if you had five hundred dollars and you said you wanted to establish an educational institution, you got a license from the state of California. The licensing of institutions is simply to assure that some minimum amount of money is going into an institution, and the quality of the education is not part of the purview.

I'll come to that in a little bit, because many people wanted the accrediting agencies to do what licensing agencies should do, and that is to supervise and to prevent fraud. They [the licensing agency] should be the people who should say that these correspondence degree mills should be put out of existence. Licensing agencies really should be a system that protects the public against nonaccredited institutions, because if a fly-by-night organization knows that it never will be accredited and doesn't want to expose its operation to examination, they are never going to apply for accreditation. So licensing is something different from accreditation.

Now, what accreditation does is really to put its seal of housekeeping approval on an organization. But the Council on Post Secondary Accreditation on which I served recognized and approved and in effect accredited the accrediting agencies about whom I'm speaking. The work of accrediting single institutions or programs fell to the accrediting agencies that were recognized by the council.

The process of the accreditation is rather uniform. An institution may apply for accreditation or apply for the renewal of its accredited status. It engages first in a self-study,

where it analyzes every part of its operation, and that self-study is examined by a team of around ten people usually representative of the particular interests of the institution. If, for example, a regional accrediting procedure involves a four-year college, they will want people from the humanities, they will want some people from the sciences, they will want some people from administration and finance to make up this team of ten.

They come into an institution for a couple of days and talk with the administration and talk with the faculty and talk with the students, and sometimes with trustees. They've already had the benefit of looking at the self-study, so they are testing performances against the self-study; they are testing the program of the institution against the statement of its own mission and objectives. They come out with a recommendation to their regional commission. The regional commission then makes its determination.

If it is completely a new institution, it may be placed on probation for a while and then go to the second stage of approval. If it's an institution that has already been accredited, it may renew accreditation, and it is sent a letter that states, "You have generally been accredited for a period of years," but may add, "We want to call your attention to certain deficiencies that you will wish to consider and correct." Or it may find that it's difficult to justify an approval or re-approval, and thus place the applicant on probation or take steps to revoke the accreditation.

Now, let's take an accredited institution. Not only do you file an application which sets forth what your institution does and how it does it and what the background is and shows the self-study, you also have an opportunity to appear before the commission itself and argue your case for renewal. Then after that hearing, you get a judgment. The judgment may be accreditation; it may be, as I indicated, accreditation with recommendations for you to improve in certain areas; it may be, if you are already accredited, probation or maybe a warning that you may be placed on probation if you don't improve certain areas of the program; it may be probation itself, which says you've got to do certain things within a certain length of time, say one or two years, or else we will question your accreditation and maybe even consider revoking it; and finally it may be revocation. This has to do also with the procedure of the professionals. It is possible, for example, to have your general institution approved and accredited, but lo and behold, your business school is no longer accredited or your nursing school is no longer accredited.

The point of it is that while all of this is self-regulating and privately done, in the sense that it is not controlled by a ministry of education, it still can mean life or death to an institution because, as a practical matter, if an institution is not accredited and a student has any designs whatever to be become trained and recognized in his work and profession, he's not going to go to that institution. So the accrediting bodies are rather hard on granting applications for first-time accreditations, because they are getting a new institution into the system and this institution will be seriously injured if it is not reaccredited. And on the other hand, an accredited institution must hold onto its accreditation if it is going to be a successful institution. So there is a lot of power here, and sometimes reluctance to use it because of the economic penalties. Sometimes too much eagerness is shown to use it as an expression of authority and power.

That brings me, perhaps, to some of the problems. One of the problems is from the national standpoint. I mentioned that if you don't feel you can get accredited, you like to form your own organization that will accredit you. Well, that organization must prove its credibility as an accreditor to the national body, and the national body has been very sensitive to the danger of proliferation. At the same time, if a body that is solid comes before it with pressures from the local population, the institution, the congressmen, and others interested, it's not always easy to prevent proliferation. And new bodies are often admitted and justified. Some of the religious organizations, for example, have excellent secular programs and yet they have certain special characteristics of their institutions that they want to maintain, and they may get approved for limited programs--consistent with those provided by secular institutions.

Then also, some organizations want to expand. The physical therapists and the American Medical Association had quite a struggle--

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Heilbron: --with respect to the right to accredit physical therapist programs in various institutions. Of course, the American Medical Association said that to protect the consumer needs the attention of the medical profession, and the physical therapists said we do a better job than they do because we know our therapists and we know our program better. The council had to make a judgment. It finally determined that the physical therapists should also be accredited--that you can be accredited by either. Actually, most of the physical therapists wanted to

be accredited by their own body, and it worked out all right. Finally the American Medical Association agreed that they [the physical therapists association] were doing quite a good job, but it was a long, drawn-out struggle.

Regional organizations see the university as one, big, complete institution. Its law school is part of that institution. The American Bar Association sees the law school as an independent group that is a professional group that could just as well stand alone and therefore the university shouldn't be putting its fingers into the way that the law school is run; it has nothing to say or do about supervising quality; it wouldn't know the quality if it looked at it. [laughter] However, when this issue becomes reduced to dollars and cents, when the law school makes a great profit and the university is in dire straits, the university feels that they are one body. When the law school loses money, it suddenly feels the need for parental guidance and support, and the university says, "Well, that's all right, but will you help us when we are in trouble?" and they say, "We would love to do it, but we don't know what we can do about the ABA, and we'll ask them to see if we can do it."

Well anyway, that has been a problem nationally and it has been a problem locally, but the bar association has pretty well won out; the bar association feels that the institution is fortunate to have the privilege of having a law school associated with it, medical schools feel the same way, and I can see some justification for that. I have had to be on both sides of this. When for the Golden Gate University, we bailed out the law school--

Hicke: When you say "we," whom do you mean?

Heilbron: The university trustees bailed them out from general university funds for several years until they got on their feet; now they are making a great deal of money, and the university would like part of it. They have already been repaid; the bar association agreed that that was all right to repay the advances, but they still insist the university keep its hands off of the profits, because they say a rainy day will come again and the law school should have its own earnings to protect against that rainy day.

So there are two sides to this question. It is not anything that you can quickly answer, but that's one of the interesting problems that we had to deal with.

Then there is the question of what about nontraditional programs? Big adjunct faculties taking care of the university

program. In other words, teachers who are practitioners, not academically involved. How far do you go in recognizing and persuading your regional agencies to be receptive to innovation? You can imagine a science program being developed by, let's say, a space agency, and not a single person teaching who is part of any university system, and the space agency asking for accreditation. Although why the space agency would want to do it, I don't know, because if it is just training its own people, it could care less about accreditation. But if its people want to feel that if they need another job doing that kind of work--I'm just using this as a made-up example of innovation--they may want the accreditation. Without any of the academic oversight customary of institutions, there is a problem.

Correspondence schools raised this question. Conceivably a program that teaches by television and only has the person take examinations at school, or perhaps a combination of a couple of days a week there and examinations, that would be an innovative program. To what extent does that agency have a right to accreditation? They may want to be accredited because they want to say that the people who teach in our television program are really good; the next guy may be a talk show fellow and not be that competent.

Hicke: The University of Maryland has a lot of extension organizations overseas that are taught to servicemen by servicemen. Would that be an example?

Heilbron: Well, yes. That is an example of an institution that I know about and an extensive program in our military camps. Military students were taking accounting, they were taking graduate degree work--

[tape interruption]

Heilbron: In military camps, when you don't have a full-time professor in residence but rely on adjunct people coming out from near the camp, no direct supervision and so on, it may be highly questionable whether your degree program would be accredited. And, if it is a part of regional accreditation, it is a big part of your institutional program, the question is presented whether your whole institution will be accredited. So all I want to indicate is that the accreditation of nontraditional programs is one of the issues that national accreditation has to consider. Although they do encourage the accreditation of nontraditional agencies, provided that they meet the standards of the regional accrediting agency, they also try to indicate to the regional accrediting agencies to adjust their standards if quality can be proved by the innovative procedures.

Hicke: That's good. So it is a little flexible.

Heilbron: It's a little flexible in theory, but the application of it may not be as flexible as you might want. It's so much easier in accrediting to say that a library should have so many thousand books and an institution should have so many full-time professors; particularly if you are engaged in a professional operation. However, I think that the organized medical profession is pretty generous in permitting doctors to teach and also engage in their practice. I guess, in a certain sense, the AMA has encouraged the nontraditional approach more than other groups.

Hicke: That's unusual.

Heilbron: Well, it is tradition with them to have their best doctors teaching, too. But generally, full-time teachers do not wish to have half-time teachers be their competition. It is all right in extension work, but not in the academy in general.

Also, one of the questions that private institutions sometimes raise in accreditation is that public institutions, particularly in the West, are far more numerous than private. They have usually had support from appropriations by legislatures. Until recently they haven't had to look too hard at their financial situation; they knew what it was. They asked for the money, they knew they got a budget, they knew that the money was there, and so they knew how to proceed. A private institution has to raise its money by solicitation unless it is entirely tuition driven. The viewpoint of some of the teams that have gone into private institutions has been: "Well, how are you people going to assure us that you are going to be able to operate in the next few years? Look, you just made your budget this year, you are going to have increased costs," and they kind of get shocked when reviewing institutions where tuition is the major part of their financing. I think that many of the professors and administrative leaders in public institutions are now recognizing that financial stringency can happen in their own institutions; that what they thought was certain assured financing is not there. This may result in a better understanding as public institutions are increasingly faced with less state funding and a more helpful attitude in the accrediting process as applied to private institutions.

The accreditation system seeks to deal with the quality of education, and that refers to the curriculum, the scope of the subject of curriculum, the kind of teachers you have, whether they have doctorates or not, the kind of library you have, now the number of computers you have got, and all of these

quantitative things that also go into quality and qualitative things that really can't be measured: you have a Ph.D. but really it is where you got it from that may be more indicative of what it's worth than anything else. A part-time adjunct faculty drawn from outside the academy may deliver quality courses.

But as a matter of policy accreditation does not wish to be charged with determining the adequacy of long-term financing or to monitor discrimination statutes. They just have not got the facilities to do it. The federal government, for financial aid purposes, uses accreditation as a basis for making its monies available. If you are an accredited institution, they see fit to advance scholarship money to your institution. I think around 1976 a statute was pending which would have made probity of an institution a factor in its recognition, and the implication was that accreditation should look into the matter of probity. What was probity? Probity could mean anything from political purity to ethical purity to long-term financial stability.

Hicke: Environmental impact?

Heilbron: That's right. The accrediting agencies and the Council on Post Secondary Accreditation opposed, very directly, any assumption that the accrediting function, which deals with the quality of education, should go into these statutory rights.

It's not too easy to draw the line. For example, certainly an institution would not be accredited that did not support academic freedom and where academic freedom was jeopardized. The idea is you can't have a liberal education and exchange of ideas if you don't have academic freedom. It's part of the first amendment, but it's almost beyond the first amendment. I think, to this day, the accreditation system does not monitor the anti-discrimination statutes, though it evaluates diversity in the student body and in faculty composition.

The public has a consumer's interest in the kind of school that students are attracted to. If the school is selling practically nothing for money, it is a profit-making scam, of course it should be stopped. But California has been very loathe to get into that program of a licensure broad enough to stop these institutions. As I say, that's not an accreditation problem because accreditation is not applied for. Nevertheless, there is a consumer aspect of accreditation because students do want to go to schools that are accredited and to programs that are accredited.

When a team comes to review an institution or a program and it asks a lot of questions of students and it says, "Now you just say candidly, does your professor know his stuff or is he just taking up your time and are you ahead of him?" The student will then candidly give his answer. The professor is asked, "How is the operation running?" He may answer, "The dean is terrible, I can't say enough." All of these things come out about an institution, and they are repeated or summarized by the team to the commission together with the facts as presented by the institution by way of self-study or factual correction of a team's report by institutional comment. The general requirement is that a team report can be released by the school, but if it is released, then it has to be released in its entirety, although many of the regional accrediting agencies say that it can be released only with the consent of the commission.

At times there will be a negative decision in some way with respect to accreditation: either you show cause why accreditation should not be revoked or something of that kind. Of course, great reliance would be placed on the team report. Well, to what extent is the public entitled to know what's in that report? To what extent should it be confidential? There is quite a legal issue here. It's generally agreed that the decisions on accreditation, even though negative, after the appeal procedure has been completed, should be public. In other words, it should be published somewhere that such-and-such a school is no longer accredited or is on probation, even though it has a serious effect on the school. But there are some things that are said that really should not, in the interests of protecting either a personnel file or a candid statement file, that should not be covered and should not be public. The lines are not easy to draw. I once wrote a monograph on "Confidentiality and Accreditation," and it is--

Hicke: What's the date on that?

Heilbron: The date on that is July, 1976. It was published by the Council on Post Secondary Accreditation, and I don't know how much of it still holds, but it takes about twenty-nine pages to deal with this rather complex question. I began with quoting the then Attorney General of the Unites States, Edward H. Levi, who pointed out that confidentiality is something different from secrecy. That, "One reason for confidentiality, for example, is that some information secured by government, if widely disseminated, would violate the rights of individuals to privacy. Other reasons for confidentiality in government go to the effectiveness and sometimes the very existence of important governmental activities." In other words, if your operation can't function without some degree of confidentiality, then you

lose the effectiveness of your function. At the same time, the public has a lot of interest in knowing that you have a process based on published standards; that everybody knows these standards; that if you change your standards you have got to give notice to everybody interested before you approve them and publish them; that you have a hearing; that there's due process in that hearing; that the institution has a chance to see what facts the team finds and to correct the facts if they are in error; that if the institution feels that it has not been fairly treated that it has the right of appeal; that a different group will hear the appeal than the commission that heard the application or reapplication; that after the appeal is over and the decision is made, that decision will be made public; that on the commissions that deal with accreditation, there will always be public members to represent the public interest; that these public members have the same right of voting as the institutional members, the faculty, and the administrative people and that they be carefully selected and be representative of the public. I think that at least the minor contribution that I did make to the Council on Post Secondary Accreditation was to develop a policy and resolution on accreditation and the public interest that has become part of the standards of the national organization.

Hicke: One more question about nontraditional education. I heard on the radio a story about a university that teaches classes by computer to students scattered throughout the country.

Heilbron: The University of Phoenix must be the most nontraditional accredited higher education institution in the country. It was founded by John D. Sperling, once head of the American Federation of Teachers union that bargained for a segment of professors of the California State Colleges. As a union representative he sought recognition of the union and ultimately higher salaries and better security for the professors he represented. He was especially active at San Jose State.

As chairman of the University of Phoenix, which he founded in 1976, he runs a for-profit institution that is reported by the *Wall Street Journal* to employ free-lance professionals (active in their business or professional fields) to teach at $1,000 to $1,200 per course and to provide courses in office buildings, motels, even through a home computer. The courses are designed by the university, carried or filled out by the teacher-independent contractors. Credit for degrees in part may come from life experience, such as in work or travel, though it is claimed that such credit has been very much restricted. Programs are in business and in several professions and vocations.

Accreditation was given by the North Central Association, then headed by Thurston E. Manning. Subsequently he became executive director of the Council for Post Secondary Accreditation. (He is not the present director.) The Western Association of Schools and Colleges, the regional accrediting agency for California, had opposed the operation of Phoenix in its area. However, it must accept the status conferred by North Central. Opposition had been mainly based on the assertion of lack of qualified academic control. Supporters contend that Sperling's kind of cost-cutting adult education, based on emphasizing the practical, and appealing to thirty-five- and forty-year-olds, is simply ahead of its time. The critics may be plentiful, but so are the profits.

Chairman, Advisory Board, San Francisco State University, 1970-1976

[Interview 10: August 13, 1992] ##

Hicke: Today I think we should talk about the San Francisco State Advisory Board; is that the whole name of it?

Heilbron: That's the name of it. Advisory boards for each of the college campuses are authorized by statute, and they have a relationship with the system. They are appointed by the trustees, but are recommended by the presidents. They advise the presidents in particular, and their impact, I guess, is as effective as the president wants it to be or as the advisory board will permit it to be. If they aren't listened to, there will not be any advisory board. The presidents, having had the responsibility to appoint them, are usually quite prepared to take advantage of their presence.

They consist of seven to thirteen members, and the San Francisco State board met quarterly.

Hicke: Could we get the years that you were on this?

Heilbron: Yes, I served between 1970 and '76.

Hicke: Thanks.

Heilbron: And most of that time as the chairman of the board. We had some effective community people on the board. There was North Baker, who was also particularly active in the California Historical Society; Mrs. Patricia K. di Giorgio, who was president of the

United Nations chapter in San Francisco; Alfred Fromm, who founded the Fromm Institute for Studies for Retired Persons, later connected to the University of San Francisco; Joanne Hendricks was the president of the Alumni Association of San Francisco State and was quite effective in developing the alumni association and in procuring a development fund; Richard Peterson had been executive vice president of PG&E; Zeppelin Wong, an attorney; Victor Bergeron, "Trader Vic," was on the board for a while, and I'll refer to him later; Mrs. James K. MacWilliams, a Giannini family member. So these were more or less typical of the people of the community who were active on the board during the period when I was active.

The board functions were, I suppose, best performed when the president had a problem that should be understood by the community at large and where the community representatives of the board could be the interpreter of the institution.

Hicke: The board was a liaison between the community and the university?

Heilbron: Well, that was one of its purposes. When the Fullerton State College was in difficulty because of the performance of a controversial play, their advisory board stood by the president and was helpful in maintaining the university position. At the time when I worked on the settlement of the San Francisco State strike, the then advisory board under the chairmanship of Judge Albert Wollenberg was supportive of our position in our efforts to bring the strike to an end. When I say "our," I'm not referring to the advisory board; I'm referring to the trustees regional committee at the time of the strike.

Hicke: That was before you went onto--

Heilbron: That was before I went on the advisory board.

Perhaps the most interesting and trying event during the period when I was on the advisory board concerned the problem of married students housing. Now, San Francisco State is not very much of a dormitory institution, but it did house a number of married students and their families. The structures were built during World War II in the state of Washington, and at the end of the war they were acquired for very little by San Francisco State. They consisted of seven buildings. They were supposed to be temporary buildings even during World War II, and they were temporary now, up to I guess 1974 or there about.

Hicke: They weren't quonset huts, were they?

Heilbron: No, they were wooden structures, but in very poor condition. Over the years the university wanted to terminate the residencies of the families quite some time before our service, because the repair costs seemed to be insurmountable and the university administration was concerned about the hazards of the condition of the housing.

But the married students--by the time of the issue in the mid-seventies--the married students had commanded the attention of the media, and the idea of throwing families onto the streets was of course quite an appealing public issue and immediately brought in legislators and others who were interested in the welfare of people in need. Of course the occupants were mightily concerned about their own welfare. The amount of rental was very low, and substitute rental arrangements were very hard to procure. I think that the buildings had a capacity originally of close to 100 units, but by the time we are talking about, fifty-two of them were occupied--something in that number--and because of the condition and location of the stoves and the dryness of the wood and other technical features, they were really not habitable.

The state fire marshall came in to make a survey, and he made a report setting forth the nature of the hazards, and I think there is a state architectural commission also that had an interest in the affair. Between them they had a report that said that if the university didn't put in about $75,000 for a six-month period, the facilities should be closed. That only was good for the temporary period. Then the real improvements would cost somewhere between $1 million and $1.5 million, which in those days was a considerable amount of money, particularly considering the nature of the buildings and the few people involved.

The president elected to give notices of eviction and to explain as best he could to the married students and to the public why he was doing this: that it was a dangerous situation for occupancy. But some legislators wanted to be sure that all due process was taken and brought some pressure against the president and the institution. There was an interchange of correspondence between Mr. Bergeron and Senator [Milton] Marks.

Hicke: I need to ask you who the president was.

Heilbron: The president was [Paul] Romberg. He had succeeded President Hayakawa.

Mr. Bergeron wrote to Senator Marks, and I'm quoting from his letter dated December 23, 1974, so that gives you the period

that we're talking about, "These buildings are in a sad state of affairs and some day they will have to stay out of them while they are being torn down and new ones built. Check into the length of time the buildings have been around the Pacific Coast and you will know what the hell I am talking about." [laughter] Bergeron was quite frank and rough in his conversation, and this was quite typical.

Hicke: He made the point very clearly.

Heilbron: He made the point very clearly. Incidentally, the buildings had acquired a name: they called them "Gatorville," so the question was, would Gatorville be vacated or not?

I can't quite locate what he thought the married students should do, but he reflected what we all recognized, and that was we cannot put people and their children to risk even if they are willing to take the risk. Our duty, we felt, and here I think we made some contribution, was to see to it that alternate housing was obtained. Between the San Mateo Development Agency and the San Francisco Development Agency, the institution found places at low-income housing for all of the eligible students, and found out in the course of doing so that a number of them weren't eligible at all: they didn't even attend the university. There were eleven of them, I think, who were totally ineligible. So that was a time when we were of use in supporting the president's position, even though he had to face legislative and media criticism.

Toward the community, we did what we could to explain the image and the purposes of the university, especially during the earlier period of President Hayakawa. Remember he succeeded to the presidency first as an acting president then as a full president, during the period of the great protests. We gave a couple of civic affairs that were successful--

Hicke: Bringing people together?

Heilbron: Bringing people, the business community particularly, together.

Then when the state colleges, during the period of Hayakawa, became universities, there was an appropriate celebration of the event. For some reason or the other, the biggest event was held on San Francisco Bay in a ferry boat. It was an interesting issue in itself: were these colleges universities or not? Even casual research revealed the fact that institutions with three schools and a graduate program were entitled in the United States to be called universities. These institutions with between 15,000 and 20,000 students and

extensive master's degree programs were certainly entitled to the status.

The meaningful part of it was the attraction of the status itself in the hiring of faculty, most of whom preferred to go to a university rather than to go to a college. Otherwise, it was a kind of change of name. Actually, in some cases institutions are proud to retain the name of "college." Dartmouth College wouldn't give up that name for anything, and most of the famous institutions at Oxford are still colleges, after all. But in the United States there is a different approach. So the change to the university during the period when I was on the advisory board had some significance.

Toward the end of that period the institution established a long-range planning committee for looking forward for San Francisco State for ten years or more, and I was appointed to it especially in the light of the fact that I was active on the advisory board. We met over a period of a year at various times with the faculty and administrative members assigned to the project, and it was extremely interesting to weigh the demographic factors, the innovation proposals, the minority pressures envisioned for the future with these faculty people. In the end, this group produced quite a large document. I suppose what became of it was what becomes of most large documents produced by commissions, who argue over every word in the hope that they will be accurately represented. Somehow so many well-intended studies seem to rest more comfortably in the files than in the hands of people who should do something about the recommendations that are made.

[tape interruption]

Hicke: I just wanted to ask you when you were appointed and for how long.

Heilbron: I was appointed October 8, 1974, and the estimated period of the service was eighteen months, and that's just about what it took.

Hicke: Okay, thanks. Now you had one more thing to add?

Heilbron: Well, one of the projects of great interest to the institution was to say that San Francisco State was the city's university. (It does on its stationery.) The difficulty with that approach is that several other institutions want to be the city's university. There is the University of San Francisco that has had a long tradition with respect to political affairs and judicial affairs in San Francisco, a long established liberal arts institution.

Hicke: But a private school?

Heilbron: A private school, but nevertheless many of its graduates were quite active in the public community. There was Golden Gate University, also a private institution, but with strong relationships to the business and industry of the city. There is City College that says it's the city's institution and is, in numbers, the largest of them all.

Hicke: Is it?

Heilbron: I would think so. And of course there is the University of California at San Francisco that is basically a medical school and health institution but has an enormous influence in San Francisco and economically as well as medically.

My own thought is that all of these institutions are great contributors to the city and that the community should take great satisfaction that they all exist here side-by-side.

There was one other item that I think you had mentioned.

Hicke: Well, do you want to go back and get that quote from that paper on the "Gatorville" secession?

Heilbron: Oh. [shuffles papers] Well, to give some idea of the kind of coverage that the Gatorville problem acquired, I can refer to an article in the *San Francisco Examiner* which is headed, "Gatorville Secedes From San Francisco State," and then it gives a description of what occurred. This group of buildings was located in the northwest part of the campus, and I assume there was a flagpole there--well anyway there are certainly flagpoles on the campus--and someone from Gatorville put up a quilted flag on the pole, and according to the article, "A girl played 'Yankee Doodle' on the clarinet, wearing a tricorn. A person by the name of Tom Proulx proclaimed in part, 'We the people of Gatorville, in general congress assembled, solemnly publish and declare that this facility is and by right ought to be, free and independent.'"

Hicke: That's marvelous.

Heilbron: That's the closing of the quote. Of course, if their secession had succeeded, I don't know how they would have funded their new republic.

International House, Berkeley

Hicke: That's probably enough for now on San Francisco State, so let me ask you about some of your other activities, and I know one of the ones that had a major influence was International House over at Berkeley.

Heilbron: Yes, that was a very interesting and rewarding experience. Of course, International House was established by the Rockefeller family and built around 1930.

Hicke: The one here on campus?

Heilbron: The one here on campus. There was one in New York, one in Chicago, and now this structure in Berkeley. The purpose was to bring students from foreign countries and from the United States together more or less on a fifty-fifty basis to improve the mutual understanding of different peoples. It is quite a splendid-looking institution. It doesn't look like an ordinary dormitory and it's not.

Hicke: It's got tiled hallways or something? It's been a long time since I've been in there, but--

Heilbron: Yes, it looks as though it had a Moorish influence. This was in the earliest part of President [Robert Gordon] Sproul's administration, but he immediately considered International House as one of his most important projects and assumed the presidency of International House as well as the presidency of the entire university. During the entire period of his presidency, he had this dual position. After he retired, successive chancellors have become automatically the president of the house.

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Hicke: I was looking at this newsletter which says, "International House celebrates sixty years." You've probably seen many of them.

Heilbron: Yes. And I was present at some of the celebrations during this later period. I know that I gave an address at the time of Chancellor [I. Michael] Heyman's retirement at the house.

Hicke: That brings up a good question: what were the approximate dates when you were involved with it? [Pause] You knew I'd ask that! [laughter]

Heilbron: Yes. I'll give them to you before you leave, because I think I have a way of locating the dates. Somehow or other, I was there for about fifteen years on that board, and I suppose that I may have skipped a little period here or there in order to be eligible for such a long period of service, but it was quite an interesting experience.

Hicke: Let me just interrupt. I've got it here: it's 1953 to 1977.

Heilbron: I see.

Hicke: That's twenty-four years.

Heilbron: The mystery is how it occurred, and I can't answer that.

Hicke: All right. Well, I interrupted you in the midst of the story; I'm sorry.

Heilbron: It has been, I think, an unqualified success with respect to the foreign visitors. I think International House has more alumni who are cabinet ministers and heads of government and even people who have occupied high positions in the United States, than many full-blown educational institutions. These relationships reflect not only to the benefit of the house, but I think to the benefit of the country.

For a time, the American mixture was not as successful as they wanted it to be. That is, the desire was that there would be a clear mixture of the American and the foreign elements so that people not only would learn respect for one another but mutually benefit from each other's cultural heritage. Now, a good deal of that did occur, but I think that the American graduate students, at least in the earlier days, were interested in having a very pleasant dormitory to be in and had just a passing interest in their relationships to the other groups.

And I will say that students tend to get segregated into their national groups in the dining hall, or did. But that was improving during the period of my tenure considerably, and now, I believe, is quite well taken care of. Now they have so many people wanting to get into International House that they can almost recruit on the basis of the interest of students in participating in the affairs of the house.

Hicke: I suppose the foreign students also mix among themselves?

Heilbron: To a considerable extent, although the relationship of the Arab students and the Israelis is a story again by itself. During the period that I was there, and perhaps it is still the case,

the Israeli students sat at the European table instead of at the Middle Eastern table. Maybe both sides were more comfortable that way, but it was a reflection of conditions in the Middle East.

Hicke: When you say "tables," were they--

Heilbron: Well, they did have language tables. Of course everybody had to take instruction in English, so that all of the students were presumably English speaking, as a second language at least, but in relaxed periods they may want to be with their own groups. It is in the programming of events, the tours, the special Sunday evenings in which cultural groups entertain each other, that the mixtures take place. As I say, I think it has been a successful enterprise.

There was one issue, I guess more than any others, to which I may have made a contribution, and that is, the donors of the building were insistent in its charter that the house be independent of the university. On the other hand, this was not entirely practical with the housing of university students. During Sproul's period, because of his relationship personally with the Rockefeller family, the problem was not as difficult as it became after he left. The concern of the house was that it would become another dormitory of the university, and the concern of the university was that things could go on in the house that the university would not be able to control in the way of disparities in salaries and payrolls. So when Chancellor [Albert H.] Bowker became the president--I don't know whether he was chairman or president, I guess he was president and there was (and is) a director of International House.

Hicke: The permanent staff person?

Heilbron: The permanent staff person in charge.

Bowker and I took the matter head-on and worked out an arrangement where undoubtedly the program and policy of the house is the province of the house trustees and administration, but the payroll and personnel procedures and benefit procedures are exactly those of the university. In fact, by the end of our arrangement, most of the International House staff were on university payroll, and I think under Chancellor Heyman this was completed so that everybody is on the university payroll receiving the same benefits and having the same commitments or responsibilities, fiscally, as all of the other university employees.

Of course International House, through its charges and contributions, pays its own way by paying the university back for all of the services that it renders and all of the salaries that it pays and all of the benefits that it pays. So this has worked out to the satisfaction of all concerned and it is no longer an issue. Of course the house still rests on university property, and I don't think they ever changed the license arrangement, which is revocable in short order by the university, but the university can't abandon the trust either, so it works very well.

Hicke: I have a note that in 1968 you chaired an ad-hoc committee on student governance.

Heilbron: Yes, but part of the reply is that the institution has been fortunate, in a way, that there have only been three directors in the whole history of the institution.

Hicke: In sixty years?

Heilbron: Alan Blaisdell was the director for an extended period, and Sherry Warwick was director until a few years ago, and Joseph Lurie has come in and is the present director. Well, I know him quite well.

But Alan, particularly, was--and even his successor--was a little restrictive in giving students control over program, and the students were always bringing some kind of pressure for defining their participation. I became chairman of that committee, and we worked out a program for student participation. I think that we saw to it that there was representation on the board itself and that they contributed substantially to what the programs were to be and how they were to be presented, always within overall administrative policy, but after all this is primarily a graduate student operation and they are responsible people. So my recollection is that we had very interesting meetings with the students, worked out some by-laws, and I have not heard of any frustrations or protests since, although there may have been.

Hicke: You certainly have spent a great part of your life bringing together opposing groups and creating harmony where there was disharmony before. That's a wonderful record to have.

Heilbron: Well, that, in a way I have indicated, springs out of my legal work.

Hicke: Of course. That's what you were doing in the law.

Heilbron: In part; at least that's constructive.

Hicke: Indeed.

Heilbron: Recently, International House celebrated sixty years of its existence, and Dr. Lurie had tapes made of a number of us who had made some contribution to the history of the house, and played these tapes over screens during the celebration dinner. He also put together a history of the house, and that's why I think I'll limit my remarks to what I have given, because otherwise I would be repeating matters that have been more than adequately dealt with by the director, and more authoritatively than I could do at this point.

Hicke: Good. Well, we wanted to get your perspective on it. Let me just go back to the period when you were on the board of trustees for the California State Colleges. I understand that you exchanged some correspondence with Governor Reagan at that point?

Heilbron: Yes, that's true, and the correspondence occurred at a very interesting period. In a way, the period of protest and unrest is somewhat characterized by this correspondence. It was initiated by his writing a letter to every regent of the University of California and every trustee of the state college trustees regarding the ways and means of dealing with student activism, and inviting replies and comments. The governor used Robert [F.] Kennedy's assassination, which had just occurred, as a kind of springboard to a series of comments and questions concerning violence on the campuses of higher education.

Hicke: This was 1968?

Heilbron: This was in 1968. Indeed, his first letter is dated June 7, 1968, and it follows a release on the subject of the Kennedy assassination dated on the 5th of the same month, so the incident was quite fresh in his mind. There was some implication that campus violence was, in a general way, related to this event.

I wrote him a rather extensive reply. With respect to the assassination itself, I pointed out that Sirhan Sirhan, the assassin, had been a quiet student, according to the reports, in high school, and a dropout from junior college, and had in no way been involved or associated with any college campus or university campus, and that this terrorist attack had its roots far distant from the college scene. Furthermore, I pointed out that the college campus was affected by the violent world around it, that the extremists, the destroyers, were a small number and

that they influenced the behavior of the vast number of moderate students only when the college authorities were viewed unfair in dealing with the problems or activities of students or in the treatment of students. The trustee policy condemned violent action in any form, but allowed individual college authorities to exercise discretion in making the punishment fit the crime rather than imposing automatic suspension or expulsion against the students for participating in some kind of violent action against a building--breaking a window or something of that kind.

I think I mentioned in my previous remarks that there can be a difference between a freshman influenced by an experienced protester and particularly one who is really on the extremist side. The moderate student gets pushed forward.

Hicke: Yes, that was a good point.

Heilbron: And he is the one who gets the arrest. There have to be gradations of punishment dealing with students. You just can't say, this person participated in such-and-such a protest; out with him. Particularly because of the long-time effect suffered by such a student: he can't get into another college or university. I think I went over that before, and I don't intend to review these letters and the points made in them paragraph by paragraph, but simply to refer to them.

Hicke: He seemed to be saying that the disorders on campus were to blame for violence everywhere.

Heilbron: It is not quite that strong, but you do get the kind of implication that it is because there is violence on the campuses that there may be young people's violence everywhere, rather than recognizing that it is because of the violence everywhere that the campus is affected; because the students are looking at the same televisions as the rest of the people, and reading the same newspapers, and particularly during the Vietnam period, when violent action was the scene on the screen everyday.

Hicke: It seems like the campus reflected society rather than the society reflecting the campus, as it sounds in his letters.

Heilbron: Exactly, but his point is that the regents and the trustees had a little area that they could make an oasis and somehow build a wall of good behavior that could not be affected by the things around them. But after all, the students were being asked to participate in a war across the seas, and they opposed that war. It was the world reaching into the campus, not the campus trying to define the world.

Hicke: Exactly.

Heilbron: He did send me a second letter somewhat modifying his first, and as I recall it, emphasizing the responsibilities of the trustees and administrators for the orderly conduct of their institutions. I could agree with this point. Unfortunately, the originals and my copy of the correspondence were accidentally lost, along with other papers, as previously noted, but I have done my best to remember the essential content.

So it was a kind of an interesting exchange.

Class of 1928

Hicke: I understand that you are active in your 1928 undergraduate class at UC Berkeley, and it is still going strong. In what way?

Heilbron: I can tell you that the class has had an annual reunion in one fashion or another--cocktail reception, lunch, or dinner--every year since graduation. It will have its sixty-fifth reunion on the day before the Big Game in November of 1993.

Hicke: Who keeps the organization going?

Heilbron: A more or less "permanent" class committee. Any classmate can become a member provided he or she will be reasonably faithful in attending the meetings--about three a year. Presently the committee consists of eighteen members. Walter Frederick of Carmel is secretary and has kept in touch with many classmates and has reported their activities over the years. The alumni records indicate 600 to 700 survivors and we hope the numbers will diminish only slowly. I participated occasionally in earlier days, but since retirement have been a regular.

The class is noted for its gift of thirty-seven new bells for the Campanile carillon, making it one of the finest in the world. When the bells toll, the class feels that, in a friendly, cheerful way, they toll for us.

407 Perkins Street #308
Oakland, Calif. 94610

October 12, 1976.

The Honorable Edmund G. Brown, Jr.
Governor of California
Sacramento, California.

Dear Governor Brown:

As a member of the Berkeley Fellows "an honorific society of one hundred fellows established in 1968 on the occasion of the University's One Hundredth Anniversary", of which your father is a member, I would like to propose for your earnest consideration Louis H. Heilbron for one of the vacancies on the Board of Regents of the University of California.

Mr. Heilbron is a distinguished San Franciscan whose career of public service is considerable, as you can see from the attached record of his activities, particularly in the area of higher education in California.

Thank you for your thoughtful deliberation on the needskof the University.

Sincerely,

Ernest R. Roth

VI SECTARIAN INTERESTS

Temple Emanu-El

[Interview 11: September 2, 1992] ##

Hicke: I'd like to just start today by asking you, when did you first become associated with Temple Emanu-El?

Heilbron: That goes back a long time. I went to Sunday school in the first grade. I suppose it was around 1912. I recall still the big sandbox on top of the table in the class--

Hicke: Inside the room?

Heilbron: Inside the room, and it had desert tents. Of course, that's where Abraham was shown, and then maybe with some parsley or something like that a little Moses [laughter] was alongside the green cover [in the bulrushes]. I think a little bit to one side was some salt where Lot's wife [laughter] had become part of the environment. I remember these things to this day, because I went all the way through Sunday school at Temple Emanu-El.

This was long before the present temple was built. There was a second Temple of Emanu-El that was constructed in the late nineteenth century and occupied the site of the medical/dental building on Sutter Street. That's where I was Bar Mitzvah and that's where I was confirmed.

But the Sunday school was in a different building altogether, a small building between Van Ness and Franklin streets on Sutter. When you entered the foyer of it, there was a banner that was located under the main light in the foyer, and

it said, "I am early, what a pleasure! I am late, what a pity!" [laughter]

In any event, I proceeded through the classes and through the confirmation program at the temple. The pulpit was occupied by Martin Meyer during all of this period. Meyer was a relatively young man for the post; I don't know quite what his years were. He was an extraordinary person, had a great effect on the young people whom he taught. He was firm and yet flexible, and particularly interested in the development of a young leadership.

After confirmation, some of the boys went into an organization that he developed called the Pathfinders. They were mostly self-selecting. I think if we missed someone whom he felt definitely should be in the group, he could persuade us to allow the person in, but the idea was that the young people were probably quite capable of indicating who had the potential for temple and community leadership.

Hicke: Did this include both boys and girls?

Heilbron: No, it did not. Later on, under the succeeding rabbi, a group called the Reviewers was organized, post-confirmation, but not during Meyer's day.

We met in a large living room in his home. I'm trying to remember--his home was on Jackson Street, near Presidio Avenue. Some remained active in that group pretty much through the first year of college. That meant some extra effort on the part of those who waited to go back to Berkeley and those who waited to go back to Stanford until after the evening session on a Sunday evening at his home.

Hicke: You mean back to school?

Heilbron: Back to school. So it commanded a certain loyalty. The topics were pretty much chosen by the group, although the ideas may have been thrown out by Meyer.

Hicke: It was a discussion?

Heilbron: It was very much a discussion group with topics such as should Jewish families be permitted to have Christmas trees? What about the play of *R.U.R.* [*Rossum's Universal Robots: A Fantastic Melodrama*]? It was a provocative play which had quite a run in the early twenties. It imagined a technological world--which perhaps was later much further developed--where robots were running most of society and the economy, and what that meant to

society, to men and women. It was in advance of its time, but it was the kind of thing that was thrown out to this group of young people. And the prospects for the League of Nations, I remember, was a subject, and the general subject of war and peace and crime and punishment, which I think one of the Pathfinders said was a crime to write and a punishment to read. [laughter at play on words]

Hicke: You were discussing the topics and not the books though, I trust.

Heilbron: Of course. Although--. I guess it was the topic more than the book itself. I think we may have pledged to read *R.U.R.* in order to be able to discuss it. And we discussed the prayer book and what it meant, and discussed concepts of God and soul, things that were post-confirmation but were the kind of concepts that were being challenged in the universities to which we were going. So it made quite a lively group.

Hicke: In general, "Where does your religion fit into present day society?"

Heilbron: That's quite right. It was perhaps a good expression of reform Judaism.

Hicke: Do you recall other people who were in the group?

Heilbron: Well, I do. I remember James Moss, Robert Blum, Adolph Meyer. I'm trying to remember some of the boys from Stanford.

Hicke: As you said, it was a while back.

Heilbron: It was a while back.

Meyer's effectiveness was with high school seniors and students of college age. He had a feeling that he wanted to guide the community leaders of the future, even before the Pathfinders. I know Milton Marks, Sr., who was an assemblyman, and Ben Feigenbaum, who was another assemblyman, were stimulated by his influence. He died in the early twenties. Unfortunately, he had a tumor on his brain, and he was in great anguish. It was quite a blow when he left.

Now, he was succeeded by Rabbi Louis Newman, who was only twenty-eight years of age when he was chosen to lead this congregation that had quite a mature membership. It was a little bit difficult for a man that young to be paternal to people much older. He too was an extraordinary man, brilliant and poetic, eloquent. He was tall, and when he ascended the

upper pulpit at the temple--this is the new temple that was completed in 1926 and which is at Arguello and Lake Streets and still flourishes--he presented quite a prophetic figure.

Hicke: Wasn't Lloyd Dinkelspiel part of raising the money for that?

Heilbron: Emanuel Heller was.

Hicke: Heller, oh, okay.

Heilbron: That's right. Although Lloyd Dinkelspiel, who I believe was also one of Martin Meyer's proteges, became president of the temple, and much later I became president of the temple.

When Newman ascended the upper pulpit and had the Torah on his arm and told the congregation, "Behold, a good doctrine has been given to you, forsake it not!" with a very rich voice and a very emotional pitch, you thought Moses was there or God was handing the tablets down from Sinai.

I had a number of relationships with him. In the first place, he felt that the Sunday school was being taught by older volunteers who had no valid connections with the young students and who were not likely to have much influence on them, and so he selected a number of nineteen- and twenty-year-old people from the universities, who were eager, who didn't know much beyond confirmation but to whom he gave some training, to take over the school. I was one of the teachers. So was my wife. Indeed, that's the way we met, although we also knew each other from Berkeley, but we really met as teachers in this school.

Hicke: About what year are we?

Heilbron: Well, let's see. We're talking about maybe '25.

I remember teaching a pre-confirmation class, I think, under his direction, and I would go over to his house for some discussion. He would talk to me while he was typing his sermon. He could do both things at once. He would type an original sermon while he was talking to me, and I was the most disturbed party of the couple. [laughter]

He played tennis, and when he went down for his summers in Palo Alto, I once went down there and remember playing tennis with him. I was still fairly competent, being on the Berkeley team, and of course he used the sport as intermittent exercise, and I didn't know whether to play it hard or whether to show some mercy to the rabbi. I'm afraid sometimes I played it too

hard, because he had long legs and he could be easily chased around the court. [laughter]

He also was willing to learn in this respect. Here was this rather tall, somewhat rigid character, who attended an event given for the teachers of the school. This is a weekend proposition I'm talking about; the whole teaching program was a weekend proposition, and by that I mean Sundays. But Berthold Guggenhime--an uncle of Richard, by the way--gave a large party at the Fairmont Hotel for the teachers, and the Charleston was the popular dance at the time. My wife taught Rabbi Newman the Charleston [laughter] which I assure you was a spectacle. But he was willing and--

Hicke: I'm sure she was able!

Heilbron: --she was able. We still remember that occasion with pleasure.

He, as I said, was a young man, and he had an older flock. Among them was Mrs. Max Sloss. She was a poetess. She was the wife of Judge Max Sloss, the Supreme Court Justice in California. She was a community leader known to everybody. She was president of the Browning Society that devoted its literary interests to nineteenth century poets. She compiled a book on nineteenth century poets. She was very much interested in social work, and social workers enjoyed her reading of poetry, particularly Browning.

However, she was an anti-Zionist, and Newman was a Zionist, meaning that Rabbi Newman wanted the re-creation of a Jewish state and Mrs. Sloss was against it. The temple was somewhat divided on this issue, as were many American Jews during that period. I'm talking about the period of the late twenties and the thirties and even later. Furthermore, Newman was interested to be part of the intellectual life of the city from which he came: New York. When the invitation came to lead one of the leading congregations in New York, he left San Francisco after about four years of service. He had been inaugurated in 1924 and he served through 1930, I believe.

We saw him in New York on one of our visits there, Mrs. Heilbron and I. He was very, very cordial and had us sit with him on the pulpit. We were lifelong friends, but he enjoyed being in what he deemed to be the middle of the active life, and San Francisco was lovely, but it was no New York.

He was succeeded by Rabbi Irving Reichert, who was--not surprisingly--anti-Zionist. The board still had Mrs. Sloss on it, and I think that may have had something to do with the

appointment. Reichert was an intellectual. He thought he was going to be a lawyer, but then he went into the rabbinate. I don't know what considerations persuaded him. He would have made an excellent lawyer. In fact, probably he was a better lawyer than a rabbi. (And I don't mean to imply that all lawyers are intellectuals.)

Hicke: Well, being a rabbi requires some knowledge of law, doesn't it?

Heilbron: Of course, I say this lightly and partly advisedly. He was the arbitrator of a big strike in town, and he was a very much appreciated speaker at the Commonwealth Club; he had general community interests. He noted that I had taught the pre-confirmation and confirmation classes. Incidentally, a teacher would teach them on Sundays, but in the midweek during the year before their confirmation, the rabbi would take the class, but then on Sundays one of the teachers was selected. I did that work for a time, and he asked me if I would be superintendent of the school, and I accepted. It was, after all, a weekend proposition, and I felt I could do it on my usual seven-day week schedule; so I did it and found it quite interesting.

I went one or two steps beyond the Newman program. Reichert gave me fairly free reign. First of all, for the confirmation classes and the upper classes, I selected young men and women who had made something of a name for themselves at the university or were quite obviously going to be people of influence in the community: Stanley Weigel, who became a judge of the federal district court, and William Cherin, who I suppose became the executive of the forerunner of the Jewish Community Relations Council in San Francisco. Then the younger teachers like Larry Rhine and Harold Levy, I'll mention them a little bit later. I changed the textbooks pretty much completely. They had been in use for some time, but they were rather stodgy books, I thought, and new ones were coming out with clearer language and illustrations, and were more attractive to the youngsters. I organized kind of a three-ring curriculum course--

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Heilbron: --where the first to the third grades concentrated on heroes and festivals; then five or six years of various segments of Jewish history from biblical to the present; and then in the pre-confirmation, a summary of Jewish history; and in the final confirmation year, current problems. At that time, I didn't have too much guideline from the Union of American Hebrew Congregations, but we sent the curriculum back to them, and they seemed to feel that it made something of a contribution.

I recognized that it was rather difficult to keep the younger people of high school grade interested in coming on Sunday. The automobile had become a bit more common for everybody. The idea of going away over the weekends was a temptation, and we had to develop means of keeping youngsters interested in another day of school, although it was a different kind of school.

I recall going the last mile on an assembly program, and that was to have a group of young musicians entertain the assembly. The group consisted of Yehudi Menuhin, who was then, I guess, in his teens; Isaac Stern, who was in the fifth or sixth grade of the school; and Ruth Slezinsky, who was also in the school. She was a pianist. I think Shakespeare said music has a quieting effect on everybody, and he almost was right with these youngsters. Actually, Yehudi Menuhin's father had taught Hebrew at the school during the time that it was on Sutter Street; so there had been a long-term connection there. It was an extraordinary event because these were all proven prodigies at the time, even though the youngest children were in a state of awe or suspended animation.

Later, I divided the assembly into a junior assembly and a senior one so that their separate interests would be recognized.

An addendum to this time when I was the superintendent of the Sunday school and tried to do something about making history more vivid to the children. I had the help of all of our teachers, and one of them was Larry Rhine.

Rhine had his children write a history that they were studying in terms of a current issue of *Time* magazine. He put out an issue which used the cover form of *Time*, and I think it was a Passover issue, in which the children, rather young ones, report on all of what Moses is doing, writing about his latest exploits and leading the exodus and the pharaoh following with his army and so on. All in vivid terms of the present. While he (and they) put out only one issue of *Time*, his general lesson procedure was of a similar kind. Rhine was creative and became one of the writers of the very successful *All in the Family* show.

As I indicated, Reichert was broadly interested in intellectual fields and sought to take his doctorate at Berkeley, but, I think unfortunately for him, he was to take it under Professor Teggart, whom I mentioned quite some time ago when we began these interviews. Professor Teggart's demand of scholarship would have required Reichert to leave the rabbinate and study for some years; so he never completed that endeavor.

He was very active in the American Council for Judaism, the anti-Zionist organization, and that kept the issue with respect to Israel a matter of division among the congregants.

Hicke: Was there a lot of strong feeling about this?

Heilbron: A good deal of feeling about it. However, notwithstanding his personal beliefs, toward the end of the thirties, Reichert went to Germany, and he was extremely upset by the condition of the Jews in Germany and what he thought the future held for them. He came back and made a report to the congregation in what was probably one of the great events of the congregation's history. His warnings and his predictions, unfortunately, became true. But he brought it quite home to the congregation. I remember that one of his clear points was that if Hitler was successful in Europe, he would affect and influence and corrupt the United States. He gave an extraordinary report at the time.

Hicke: Did you hear it?

Heilbron: Yes, I heard it. Of course. I was the head of the Sunday school from '32 to '37. Then, number one it was getting to be quite a burden for me to carry with the other things that I was doing. I had many things in the law and in public service with the Emergency Relief Administration, and second, it was time for them to get an assistant rabbi, which they hadn't had before, who would take over the educational function. That was done in '37.

There was something of a hiatus after that with respect to my participation in the school. I think I became a member of the school committee, but it had rather limited functions until after the war. Then I came back for a while to be chairman of the school committee. I think my biggest activity on return was to be chairman of the 100th anniversary of the temple.

Hicke: When was that?

Heilbron: In 1950. The congregation had been organized in 1850. Actually, the two reform congregations in the city at the time, Sherith Israel and Temple Emanu-El, were under the same tent in 1850 and then divided off, and there has always been a question as to whose incorporation and activities started first, but it was in 1850 as far as the temple is concerned.

We had a number of interesting events for the 100th anniversary. The temple had always been known for its musical interests and activities; its choir has always been an important

part of its program. I believe it was in 1950 we had Mark Lavry write a new holy day service for the temple. He was in Israel.

Hicke: In Israel?

Heilbron: Yes, he was an Israeli who was head of the musical programs, I think for Israeli radio and television. His music was quite interesting, lively, and modern for the temple. Stern and Menuhin came back and played. Dorothy Warenskjold, who had been with the choir and who then was at the Metropolitan Opera, came back to sing.

The music program really was the achievement of Cantor Reuben Rinder, who was well known in local music circles, had helped both the great violinists in their earliest years, and he was able to obtain the assistance, musically, of anybody and everybody. He didn't know that Dorothy Warenskjold was going to appear at the musical service. She sang in the choir loft and he was below on the main pulpit, and he immediately said, "Why, that's Dorothy!" He was a marvelous little man. I say little only because of his physical size. I don't know whether he came in 1911 or 1913, but he represented the continuity of the temple through all of these various rabbis. In a way, he was the conscience and soul of the temple, and the symbol of its continuity. And helped many young musicians along. I don't think he had the greatest voice, but he had the greatest spirit. Succeeding cantors have carried on the musical tradition extremely well.

Hicke: When did he retire?

Heilbron: I can't give you the time of his retirement. He is, of course, deceased, died in 1967.

Hicke: Anything else about this period?

Heilbron: I suppose I did not end with Rabbi Reichert yet. Somehow the school (in the late forties) was losing students, and the pastoral side of the congregation was not doing well. There were other problems that had arisen with the board, and the division with respect to Zionism, even though the state of Israel had been just created, played a part. But in any event, Rabbi Reichert resigned toward the end of the forties [1947] and a new rabbi had to be selected.

Harold Zellerbach and Daniel Koshland played the most active roles in the selection. They went back to Cincinnati to the Hebrew Union College. The president was Nelson Glueck, who was a well-known archaeologist. The assistant to the president

was a young man by the name of Alvin Fine. I think he was about thirty-two years of age. In 1946 he got back from World War II, where he had been a chaplain in the China theater. Fine was in charge of the hiring, but when Zellerbach talked to him about candidates and discussed the future of the temple with him, Zellerbach became convinced that the man he wanted was the man that he was talking to.

This was somewhat embarrassing to Rabbi Fine, but the matter was taken up with Glueck, and Fine accepted. Now, Fine had much of the eloquence and voice of Newman, but he was much more down-to-earth.

Hicke: Was Zionism still an issue?

Heilbron: He was a Zionist but was not interested in making that an issue. For example, Mortimer Fleishhacker was president prior to my time, just prior, and he had a high post in the American Council for Judaism, which was an anti-Zionist organization. They wanted to use the temple for a conference, and Fleishhacker said no even though he was a part of their membership. He had conferred with Fine about it and that was the determination. So that issue was overcome, although as the years went on, Fine's pro-Israel position became much more the position of American Jews everywhere. The state was organized: the state was a state. I also think that the Israel cause was by far the American Jewish cause and U.S. policy after the news of the holocaust was known to the world.

Hicke: So it was much less of an issue?

Heilbron: Yes, that's right. And after the state was created, the anti-Zionist group wanted to distance itself from the political aspects of the state. It was a state to which they did not want to express a special interest. It was another state like Italy or France.

In any event, Fine took over. At the 100th anniversary, Earl Warren was the banquet speaker.

Hicke: Did you invite him?

Heilbron: Oh yes.

Hicke: I mean, you, yourself?

Heilbron: Well, I suppose I did. I think that I reached him through Judge Wollenberg, who succeeded me as president of the temple. Although I knew him, I went through the judge. As a matter of

fact, the relationship of the temple to the chief justice continued. Of course, he was governor at the time when we asked him. But when the memorial service was held in the national cathedral in Washington [D.C.] for Earl Warren, three representatives of the major Western religions were asked to participate in the service, and Alvin Fine was one of them. So there was that continuity.

I was the president in the mid-fifties.

Hicke: I have 1954-57.

Heilbron: It was either '54-'56 or I don't know how the months went.

Hicke: Approximately.

Heilbron: Yes, approximately '54-'57. It proceeded under Rabbi Fine. A number of important things happened during his sixteen-year period of service, but what particularly happened during my administration I have to think about.

I know for one thing we had Friday evening services in the temple chapel, and instead of having the rabbi give a sermonette, we determined to have lay members of the congregation give some of their views, spiritual views, about religion or social topics. It worked extremely well. People were honored to be selected and worked very hard on their meditations.

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Heilbron: I remember I gave one meditation during the period of the protests of students at the colleges, a period of unrest and a kind of rebellious period of what is now known as the "Baby Boom" generation. I talked about the tale of Abraham and Isaac and the sacrifice of Isaac. I said that if the story were written as of this time, it would be Isaac taking Abraham up to sacrifice. [laughter] This meditation was not quite as solemn as it should have been, but it struck a chord I know.

[tape interruption]

Heilbron: I also established an Emanu-El Temple fund, which was a capital fund to which contributions could be made for the maintenance--serious, substantial maintenance--and capital needs of the temple. Nothing of importance had been done with respect to the construction since 1926, and I felt that we should begin to provide for its future. In subsequent years, this idea was greatly expanded, and recently there has been an enormous amount

of construction and expansion there with parts of the Sunday school being rebuilt and the temple earthquake-proofed and all that has to be done. At least I had some foresight in establishing the beginnings of a program to take care of the continuity of the temple building.

A number of new activities were given effect during Fine's period, most of them under other auspices than my own time of leadership. The Sunday school had become so popular that they had to extend the pulpit area for confirmation by building an extension to accommodate 100 confirmands. The school that had been languishing returned to full strength.

Hicke: When did they build this?

Heilbron: Well, they simply built this extension for the purposes of confirmation and took it down immediately afterwards. It was a temporary extension. All I mean is that the school flourished at the time and it was partly due to Fine's selection of Rabbi Meyer Heller to be his associate rabbi for the temple and the school.

He had a very cooperative relationship with Rabbi Heller. Fine was quite active in human rights; he was a member of the Human Rights Commission of the city for some sixteen years. In 1958, he was given a sabbatical year, and that was good for him and his health and the temple.

He was very much the opposite of Reichert in his delivery of sermons. Reichert wrote out his sermons, and the words were carefully put together; Fine spoke out without any notes whatever, and the result was that the sermons had more of an emotional drive.

We encouraged him to participate in the community, as we did with all of our rabbis, and he did. He participated with Dean Julian Bartlett at Grace Cathedral, and I think Bishop Hurley on the Catholic side in an interfaith television program given on Sunday mornings.

He was much more deliberate, I believe, in assembling his Sunday school staff than we had been by way of necessity. But he recruited teachers who were quite committed to teaching and possibly of joining the rabbinate. Five or six of his teachers did go into the rabbinate. He introduced a high school program that kept students interested beyond confirmation. I would say it was in the nature of a similar program to the Pathfinders and Reviewers but included everybody who desired to participate.

He interested Congregant Ben Swig in establishing a summer camp that attracted young people to an enjoyable vacation, but at the same time to a place of learning about Judaism. This camp near Saratoga, Camp Swig, is still active.

Rabbi Fine developed a heart condition and felt that after sixteen years it was a little too difficult for him to lead the temple. He wished, while he was young enough, to continue a professional career, but not with the pressures of leadership of such a large congregation, and he desired to teach. So I introduced him to the dean of humanities out at San Francisco State [University], and they found themselves very much at home with one another, and Rabbi Fine was given a position for teaching there and stayed for quite a length of time and made an enormous contribution.

They had a course out at San Francisco State called "The City," and they would take the students through the history and development of various cities in the world. That, of course, could involve all kinds of cultural and social conditions that related to cultural developments, political history, and so on. Rabbi Fine said to the dean, "I'd like to do one of these cities, too." He was asked, "What city do you want?" And he said, "San Francisco." He developed a course on San Francisco that started with one class and now has seventeen sections.

He's no longer teaching, but it was his thought that California history and northern California history were so tied in with the development of this city that people should know about it and could learn a great deal from its development. It had all of the color that other great cities have. It didn't have the length of history; after all it really only started in the gold rush to mean anything.

Hicke: But that probably means they actually got up to the twentieth century, which most history courses don't do.

Heilbron: That's true, and it's still a very, very popular affair. He's now retired from San Francisco State, also, and we continue to see each other, because he lives in one of the condominium areas of the Silverado Country Club, and we go up there from time to time and see him. In fact, I refreshed some of my recollections about the period of his service last week before our coming here together today.

Hicke: I really appreciate all of the preparation you do for these. It helps so much.

Heilbron: Well, I'm not certain, and sometimes when I see what happens to this babble after I'm through, I get very much upset.

But in any event, we have another rabbi to go. I suppose one of my last official acts with the temple of any consequence was to be on the search committee that selected Joseph Asher. He had an interesting history. He left Germany in time to go to England before the holocaust was mounted. He left England for Australia--the English didn't quite know what to do with their German refugees, and the tenseness of the war was coming on. His father had been a rabbi, he was a rabbi, and he organized a temple or was selected for a temple, I think in Melbourne.

After the war, he married an Australian woman, Faye Asher, and he occupied a pulpit in North Carolina when we were interested in selecting a rabbi. He was a tall, angular man, scholarly, with a wonderful sense of humor, and after hearing him and comparing him with other candidates, we recommended his appointment.

Hicke: You went back there and interviewed him?

Heilbron: No, I didn't. He came out here. In all of the temple process for selecting a rabbi, some congregants go back to hear him, and then, if they are duly impressed, they then ask the candidate to address the temple. And of course, besides that, to meet with the temple fathers and mothers to indicate his pastoral interests and his interests in the young and interest in community involvement and everything else that would go to the selection. These people are not divinely chosen, [laughter] but they are selected after a considerable amount of investigation, much as a university president. But there is a spiritual dimension that a university president doesn't have to possess. The choosing of a rabbi is a major event.

Incidentally, there had been a rabbi for a short period before Asher, Irving Hausman, who, after a very brief period because of a very difficult illness, had to leave. Asher was a very compassionate man. His sermons were somewhat complex as compared with the others we had known. They were always full of humor and they had considerable depth. Some congregants said that they weren't understanding what he was saying, other congregants enjoyed listening to a scholar who did not wish to be lighthearted in his discussions, although his humor was always very lighthearted and delightful.

His great contribution, I think, to the temple and to the country, was his feeling that the time had come for reconciliation with Germany. He went back to Germany on several

occasions, and he was appointed as the professor of Judaism in the leading Berlin theological seminary and in due course became their most popular professor. This is attested to by others who investigated the matter. He found the whole subject of--. You know, we are talking about a section of the population that is not all of Germany but is in a position of theological leadership, and he had any number of people deeply interested and wanting to study more and more about Judaism.

Hicke: These are non-Jewish people?

Heilbron: These are non-Jews. In fact, he was teaching non-Jews. That was, he felt, the function of his acceptance. He would let these non-Jewish theologians encounter a Jewish theologian and see for themselves what his religion meant.

Hicke: He wanted to build this bridge, then?

Heilbron: He wanted to build this bridge. In fact, he wrote an article for *Life* Magazine which was on the general subject of the effort to reconcile Germany and the Jews and the Jews with a new Germany. Of course, the history of Jews before Hitler was that they were the most assimilated Jewish community in the world.

Hicke: With the Germans?

Heilbron: The Germans, yes. But Hitler's complete reversal of any social or human relationship, his savage treatment in his efforts to destroy all Jews (including descendants of the so-called assimilated through intermarriage), in his words, to "solve" the Jewish problem, left a very small Jewish community in Germany.

I think that is Asher's contribution. He died a few years ago, and some of the leading theologians expressed their views--the Jewish theologians--in a book that was dedicated to his memory. It seemed to be quite fitting that this book, published by the temple, should honor his scholarship in this way. That was, "The Jewish Legacy and the German Conscience." The congregation also named a court in the temple compound after him, but I know his family was very much affected by the book.

Hicke: That was a wonderful overview of the history of Temple Emanu-El and the people.

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Heilbron: Names of congregrants from the nineteenth and early twentieth centuries are well known here--Anspacher, Ehrman, Fleishhacker, Gerstle, Guggenhime, Gump, Haas, Hellman, Koshland, Levison,

Lilienthal, Sloss, Steinhart, Zellerbach--are some of them. An L. Dinkelspiel was a member of the board 1865-1866 and an ancestor of my wife, Samson Rosenblatt, was also a board member 1868-1869.

Perhaps one of the most interesting people that I recollect was a man who was president when I first became very active in Sunday school. His name was Louis Haas, and he called himself Louis the XIV because he was a bachelor, and whenever his friends gave a party and found that they had thirteen people, he would be asked. [laughter] He was a lovely man.

[Interview 12: September 12, 1992] ##

Hicke: You indicated that you had a few more words to say about the temple.

Heilbron: Yes, I would like to amplify a bit, particularly with respect to the rabbinate. First, with respect to Rabbi Meyer's death, it was more or less accepted that it was caused by a tumor on the brain, but it started with the idea that he simply had a heart attack, and then no one knows precisely what occurred and what the anguish was that caused his death.

Now, Rabbi Newman was inaugurated in 1924. He had been a protege of Martin Meyer. He had much to do with the planning of the new temple at Arguello and Lake Streets. It is, of course, one of the finest architectural works in northern California. His work was not so much with the architecture of the temple itself but with the temple house that is part of the temple complex. He insisted on an auditorium fully equipped as a theater, a library, a gymnasium, and he almost obtained a pool, a swimming pool. His idea was to build a temple community. His flock could pray and play in and around the synagogue.

I recall that this project ran counter to the building of a Jewish Community Center, supported by Sidney Ehrman and Lloyd Dinkelspiel and Harold Zellerbach, all active congregants in the temple.

Hicke: How do you mean it ran counter?

Heilbron: They felt a duplication, a duplication by the temple house of community activities. And yet Newman won out on issues except the pool. [laughter]

He was deeply interested in the theater. He was a playwright himself and encouraged the Temple Players to be organized around the temple, a group that sprang from the

congregation itself under his leadership and that of Mr. Paul Bissinger, a congregant. The Temple Players became part of the civic cultural scene in San Francisco in the late twenties and early thirties.

Hicke: What kind of plays did they put on?

Heilbron: Well, the most arresting and successful of the plays was *The Dybbuk*, a play derived from Jewish medieval mystic tradition. Caroline Anspacher was the lead in that play. She was the lady who became one of the chief journalists later on at the San Francisco *Chronicle*. No one would have realized it as she played the part of Leah in that play.

Both the temple and the center were built, the temple in advance of the center; the center completed, I think, in 1931 and the temple in 1926. Over the years, the athletic, general cultural, dance, dramatic, and group activities went naturally to the center. But the temple house has been busy with its school assemblies, lectures, men's and women's auxiliaries, services to Russian émigres (and other émigres, German émigres particularly, in earlier days); the gymnasium was turned into a social hall called Guild Hall, after the women's guild. I think it still bears that name, although it has been recently remodeled. Indeed, the temple facilities have been recently remodeled at considerable cost.

Hicke: When you mean recently, do you mean in the last five years or so?

Heilbron: Oh, within the last couple of years. I'm not sure that the details are of particular interest, but that theater, that Martin Meyer Theater, has been divided, and the social hall is part of the facility, and the theater/assembly part is simply smaller. A number of other changes have been made. The social hall can be one great hall or divided into convenient sections.

Martin Meyer and Newman were Zionists, Newman passionately so. Rabbi [Irving] Reichert, who succeeded Newman after Newman resigned to go to New York in 1930, was anti-Zionist with all of his heart and soul. He felt that all of the objectives and ideals of the liberal Jewish movement would be met in America. He was against a Jewish state that would lay claims to the loyalties of American Jews, and he conceived that it could be a Communist country; it could develop policies contrary to American policies. He convinced most of the power structure of the temple. He became vice president of the American Council for Judaism, to which I referred previously, that espoused his cause. And he tried to convince the rabbinate, but he lost.

Yet he was deeply distressed by the Holocaust. He was perhaps the first American rabbi to warn of the probability and consequences of the Hitler policy, and he was prophetic in his sermons after his two visits to Germany in the thirties. I think I mentioned the first, and then he made another one, I think toward the end of the thirties. But he couldn't understand that the Holocaust survivors needed a place of refuge and opportunity and identity.

Hicke: Israel?

Heilbron: Yes. And while much of the argument was going on, I was with the military government in Vienna. I had seen the ovens of Dachau and Rothschild's hospital in Vienna, which was the transit station for the Polish and other Jewish survivors fleeing Europe in the thousands and perhaps hundreds of thousands.

Hicke: Where was that, the hospital?

Heilbron: The Rothschild hospital is a big hospital in Vienna, and it was a place where the Jews from Eastern Europe came in and were registered and coordinated, because they had to keep track of families and where they wanted to go. They went from there to northern Italy and took ships to Palestine. Of course, Israel hadn't been created.

Now, I have an idea that during the early period immediately after the war, when it was not known and a public matter, the British actually helped facilitate the travel from Northern Italy to Palestine. But when it became a known fact, the British backed off, and they felt their mandate for the trusteeship of Palestine required them to restrict immigration. Then you had such incidents as [were depicted] in *The Exodus* [by Leon Uris].

But immediately after the war, and I don't think this is particularly known, I believe that there was cooperation even from the British side. I mentioned that I saw Bart Crum, the San Francisco attorney who was a member of an American committee of inquiry who were making a survey with reference to the question of whether to recommend the creation of a Jewish state. I think I told you it was an accidental and casual meeting, but enough for me to ask what direction he thought that the inquiry committee was taking. Judge Proskauer from the American Jewish Committee was a member of this inquiry committee, and I met him. Crum gave me the clear impression that the committee was contemplating a state. Not that the committee could create it,

but that it could recommend consideration as a matter for U.N. and American policy.

Hicke: Did they, in fact, or do you know?

Heilbron: Well, this first committee of inquiry was chiefly concerned that Palestine be available as a place of refuge for the surviving displaced Jews of war-torn Europe and took a firm, united position on this aspect of the matter.

When I returned to Heller, Ehrman in 1946, I heard rumblings of the controversy about Rabbi Reichert. It was not only a question of the division of the congregation over the issue of Zionism, it built up a year or more later when Harold Zellerbach headed the committee of investigation of his tenure, because his contract was coming to an end and the question was whether it would be renewed.

Lloyd Dinkelspiel represented Rabbi Reichert in what had become a question, as I said, of contract renewal. I heard a great deal from congregants about both sides of the controversy. Zionism aside, I knew of Irving Reichert's distaste for pastoral duties, and the terribly reduced enrollment in the Sunday school and that there was some issue of his handling of the Martin Meyer library. I thought that it was a sorry situation considering the talents of this man.

Hicke: You mean it was sorry that he was coming under fire?

Heilbron: Well, yes, though understandable. He had the integrity of his beliefs. He was stimulating intellectually and had rendered extensive public service. He was not on the popular side of the Zionist issue, of course, and one had to take into account the matters with respect to the administration of the rest of the temple.

In any event, Lloyd worked out a fair severance arrangement with the temple, and Rabbi Reichert logically went on to take an executive position with the American Council for Judaism.

I may have some supplementary remarks with respect to Rabbi Fine at a later time.

Hicke: Okay.

Jewish Community Center

Hicke: Do you have time to go on a little bit?

Heilbron: Yes.

Hicke: Okay, what's next in the Jewish community?

Heilbron: Did I ever talk about the Jewish Community Center?

Hicke: No, that's on my list.

Heilbron: Well, all right.

Hicke: You were president from 1949 to 1952, but maybe we can go back a little bit.

Let's see if this *Who's Who* article tells when you were active in the community center.

Heilbron: Yes, I was active, I think in the thirties, and certainly during the fifties. The center was built so that the Jewish community in particular could have a place for athletic and cultural activities and social activities that were not specifically religious in character, but on the other hand, definitely guided by Jewish interests, studies, and celebrations, although it was to be a place that would be comfortable for the community to participate in if they so desired. Sidney Ehrman was particularly active, and again we find Lloyd Dinkelspiel as its first president.

I think this was developed in 1931 or 1932. About the same time as International House. It's still operative. It's across from the University of California, San Francisco, at California and Presidio avenues.

Two things come to mind with reference to this center. One of them was its executive leadership. I don't know whether I have mentioned this before, but Louis Blumenthal was the director of the Jewish Community Center from its creation. He was a man who was perhaps the best theoretician on the administration of nonprofit organizations that I ever encountered. He knew the difference between policy and administrative detail. He knew what to bring to a board and what to omit bringing to a board. He also knew when to escape a difficult decision and leave it to the board. He had an associate, Emma--I forget her maiden name. She married him and continued much of his style of directorship when she became

director after his death. But he taught us a great deal, and the lessons with respect to what a board member should deal with and what a board member should not deal with, that kind of lesson can be learned by everybody who is engaged in nonprofit organization activity.

The one big question was what age groups the community center should deal with. Blumenthal was not so interested in the elderly. He felt that they had their special institutions and that this was an organization whose primary interest was in young people and in people who were primarily interested in social and cultural programs. Over the years, this changed and had to change as the elderly became obviously more prominent in numbers and also their cultural interests were as strong, if not stronger, than some of the younger people. But it was up to Emma to make the change in program to accommodate this other interest.

Hicke: The elderly, you mean?

Heilbron: Yes. Of course, it does affect the schedules, it means that there are transportation problems, that special attention has to be paid that is not paid to other groups; it is a question of allocation of funds. It was an interesting problem to work out. We didn't ever have that problem to work out, because there was never a special program for the elderly--except as they would join in with the community--during the period of my activity.

One big question that always confronted the Jewish Community Center was how nonsectarian should it be? What made it a Jewish Community Center? Why wasn't it just a community center? It was agreed that there should be an essential element or ingredient of Jewish content, but what should that content be? One board member said, "When a Jewish man or woman is in the swimming pool, it has Jewish content." [laughter] Well, the observation of Jewish holidays and cultural programs in the Jewish tradition were presented, and adjustments were made down the line in program. But a person could be a member and enjoy the center and not feel committed to the Jewish aspects of the center.

Hicke: Was it more or less self supporting or was it supported?

Heilbron: My recollection is that in the beginning it was self-supporting in membership dues and contributions. Then in 1941 the old Jewish Federation of Charities with seven beneficiaries was reorganized into the Jewish Welfare Federation and the Community Center became a beneficiary of its united fundraising for fifty beneficiaries. Subsequently it has become the Jewish Community

Federation of San Francisco, the Peninsula, Marin, and Sonoma Counties, raising funds for a myriad of agencies in these counties and Israel. I recall participating in the first or second of these reorganizations.

I believe that this consolidated community fundraising proved to be the model for the United Way.

I know that the Jewish Community Center was one of Mr. Ehrman's favorite agencies. I think Mr. Ehrman preferred to give to it directly rather than through the federation, which would give part of its funds to overseas activities.

Hicke: Okay, does that cover the Jewish Community Center then?

Heilbron: Well, with possibly two additions. One was that the Jewish Community Center established a camp called Camp Tawonga in the Lake Tahoe area, and that reflected for the summer (but with vacation, social, and recreational events) what was being done in the city at other times of the year. But then another camp was developed, and that was in back of the center itself, in San Francisco. The Blumenthals felt that there were some people who couldn't take advantage of going to the country for a number of weeks and yet they had their children out of school, and that there was a need for a city camp. Emma Blumenthal developed that camp quite beautifully in San Francisco.

Hicke: A day camp?

Heilbron: A day camp. It was quite a successful enterprise.

[tape interruption]

American Jewish Committee

Heilbron: Well, I'll go to a subject which I may also amplify later, but I'd like to get the framework started.

This is concerning the American Jewish Committee. Edgar Sinton, an old-line attorney from an old-line family in San Francisco, interested me in this organization. It is a very effective institution in our national life. The premise is that what is good for American democracy is good for its Jewish population; what is good American foreign policy is usually supportive of Israel, though the committee can be critical of

Israel on the merits of an issue. When I was most active in the San Francisco chapter, we had little influence on AJC policy.

Hicke: Can you just tell me what their main function is? I have to start from scratch.

Heilbron: Well, they were organized way back in the early 1900s because of pogroms in southern Russia, and it was determined that American Jews should constitute themselves in an organization that would seek to protect the position of Jews everywhere in the world.

Hicke: So it had a world--

Heilbron: It had a world orientation from the start, but then, recognizing that its influence would be more or less proportionate to its participation in the affairs of the United States, it acquired a human relations perspective within the country, an understanding and relationship to civil rights activities and regarding the social and economic fabric of the country, wherever they touched upon democratic aspirations and institutions.

I mentioned that the local chapters or provincial chapters throughout the country had little influence but seemed to give the benefit of a constituency of an organization that was really controlled in the East. I believe the situation has changed to some considerable extent over the years, although the program has been and still is controlled by influential industrialists and bankers and professionals in the East, in New York and Boston and Washington and Philadelphia.

It is basically liberal with respect to domestic social programs and the treatment of minorities and women. It engages in a great deal of interfaith activity. It reaches out to blacks, Hispanics, and Asians here both on the national and local levels and gives a constructive support to Israel. Its procedure is the quiet approach: no grand demonstrations. It relates openly but rationally with those in power politically and economically. And, as I said, the local action and community affairs reflects this national policy.

The national officer with whom I had the most contact was Morris Abram, originally an Atlanta lawyer, later a New Yorker who was appointed as an ambassador to the United Nations. He was a Democrat appointed by President Reagan to the United States Civil Rights Commission, probably because of his opposition to quotas as the objective of affirmative action. This, of course, was President Reagan's position.

Hicke: What was your position with the American Jewish Committee?

Heilbron: Well, I was the chair of the local chapter for several years, and all ex-chairmen are on an advisory committee whose advice is rarely sought.

Hicke: Let alone taken? [laughter]

Heilbron: I don't know about that. They are always courteous. I always receive notice of the board meetings, but unfortunately they conflict with the same day of our firm's meetings, and I'm not able to attend many of them. I attended two national conferences in New York and was deeply impressed with the thoroughness with which position papers and resolutions were prepared.

I know that I had some good times at the national conferences of the centers gathered together under the Jewish National Welfare Board and of the American Jewish Committee. In one case they had a substitute entertainer at a luncheon, and he was supposed to make us feel good about coming to New York and spending three days at our discussion. This was scheduled as comic relief, and they got a new man, but this new man was Johnny Carson. [laughter] In connection with another conference, I recall attending the second or third performance of *My Fair Lady*, which was certainly not part of the policy program of the organization, but it was a welcome diversion.

I mentioned the purpose of protecting Jews from oppression and injustice anywhere in the world. It is a noble purpose, but it hasn't been possible to achieve. Witness Hitler and the Holocaust. But many efforts have met with success. Perhaps I will leave it there for further development. I did want to indicate my appreciation and respect for the agency. As you know, a few other things prevented me from being more active. On a national scale, I think I could have been, if I had indicated the time and interest, but these were not available.

VII OTHER COMMUNITY SERVICE

[Interview 16: March 22, 1994] ##

World Affairs Council

Hicke: I'd like to start this afternoon with a discussion of the World Affairs Council of Northern California, and I want to reference the "Fortieth Anniversary Review," which you wrote in 1987. It's a history, it's a marvelous booklet with pictures and sidebars, and it starts, of course, forty years ago in 1947, when the World Affairs Council was formed. I wonder if you could tell me, first of all, how you got interested and when you became active in this.

Heilbron: Well, I got a postcard from Emma McLaughlin, who was a founding member of the World Affairs Council. I don't know where they obtained my name, but they asked if I'd be interested in joining. Since it involved world affairs and I had just returned the year before from my experience in occupied Austria, I did express an interest and did join.

Hicke: So this was 1947?

Heilbron: Close to--it was in '48. I think the correspondence was in late '47.

Hicke: Okay. And your little booklet delineates the history pretty well.

Heilbron: Yes. I did not write the booklet, I just wrote the history part of it, which involved the history of the World Affairs Council since its beginning, for all the years up to the fortieth anniversary and actually since that time, too.

Hicke: So you're still actually a member?

Heilbron: Yes, I'm a member, and I'm still a member of the board, because they have their past presidents continue as permanent board members.

Hicke: Now, I wonder if you could just illustrate some of this history with a few more details. It's grown quite a bit in membership.

Heilbron: Yes it has. It now has ten thousand members, and is the largest world affairs council, citizens' council interested in international affairs, in the United States. For many years, the Chicago Committee on Foreign Relations was the larger, and we were second, but in the past couple of years, we have passed Chicago.

Hicke: What was it when it was formed? Do you have any idea? Maybe that's in here, too.

Heilbron: No, no. I don't think that there were more than two or three councils of this kind in the country. Groups were beginning to be formed that expressed an interest in foreign relations, but they were varied groups. Some people were interested in Europe, some people in Asia, some people particularly in Russia, in the developing Soviet Union. But the merging together of those in the Bay Area who were interested in the international field started the council's organization in 1947.

Hicke: Do you have any sense of what the membership was like when it was formed?

Heilbron: Well, it was in the hundreds. By 1949 it was over 2,500.

Hicke: So that's a huge growth.

Heilbron: It is, it is indeed, and it reflects the understanding and growing interest of the people in this country that we are not living isolated from the rest of the world, and that our problems are theirs and theirs are ours.

Hicke: I know there's information in the booklet about the programs, but I wonder if you could give me some illustrations of some of the key programs that were presented.

Heilbron: I believe that they now run about 250 programs per year.

Hicke: That's one a day.

Heilbron: It began with a heavy emphasis on study seminars, and at the close of the seminar, an effort was made by those who were members of it to write a report. The report was not intended as

an activist report, because the council is devoted to a nonpartisan study of international issues and not to become an advocate of a particular side on these issues. But a group was interested in coming to such consensus as it could, and indicating such dissent as it could. I remember I headed the group on the possibilities of European integration. A good deal of effort was made at the time of the Marshall Plan to develop a kind of United States of Europe, and we studied that program, that project.

Hicke: Well, that may or may not be coming to fruition.

Heilbron: We came to a couple of conclusions, and that was that there would be increased economic integration in Europe, but that in the next fifty years, there would be no political integration.

Hicke: Well, you were right on the money.

Heilbron: And that was pretty accurate. Wild Bill Donovan went over to Europe with the idea of pressing for political integration. Someone had the nerve to send him our report through a mutual friend. This was absolutely contrary to his mission, so I don't think it affected his activities, but I think that it indicated that this citizens' group had a pretty reasonable idea of what was going to happen.

Hicke: Prophetic.

Heilbron: We started with the Iron and Coal Community, and [it] has developed into the European Community and has certainly got a strong economic basis, that is, European cooperation and integration. But the politics of it are still quite clear. There is no United States of Europe, which Napoleon imagined, which Mr. Hitler was going to impose, or democratically, which ideally, a lot of people would have liked to see happen.

Hicke: That's very interesting.

Heilbron: The Asilomar annual conference is extremely interesting and worthwhile. Usually, a theme is chosen. It's not simply a general discussion of current international affairs. It may be the United States's relationship with China. It may be the status of the United Nations. It may be developments in Africa. But it stays with that theme.

And almost a thousand people each year go down to Asilomar to hear leading authorities develop and debate their views of what the current situation is and what problems there are and what solutions they envision. It's extremely worthwhile.

People have a good time; there are social events mixed in. It begins on a late Friday afternoon and ends on a Sunday noon. There are many programs in between.

The Council has been fortunate not only at Asilomar, but in its own general programming of being able to attract authoritative speakers in the international field. Every secretary of state has addressed the council, since the beginning.

Hicke: Yes, there's some good pictures in here of guests.

Heilbron: Many chiefs of state have addressed the council.

Hicke: Senator [John F.] Kennedy.

Heilbron: Yes, Senator Kennedy, I remember, was asked whether he was going to run for president, and he said that he could not reply, but he had a favorite candidate. [laughter]

Hicke: Once again, you are ahead of the rest of us.

Heilbron: Actually, as a senator, he was very much the center of attraction because of the possibility that he was going to seek the nomination.

He was extremely quick at remembering names, or calling people by their names, even though he had scarcely met them. The council always had receptions for these participants. He came into the building where we were located, where we had our particular reception for speakers, and it happened that Delphine was at the door and he came in and put out his hand and said, "Mrs. Heilbron, it's very good to meet you." She had on a little card with her name, and in that moment he saw that name so quickly and expressed himself in that way.

Hicke: Amazing, that's amazing. I also see pictures of Prime Minister Nehru, Nikita Khrushchev, Charles de Gaulle; they were all here.

Heilbron: Oh yes, they were all here. In the history, I have told about their coming, perhaps not in any expanded way. I can say that Khrushchev had had a rather stormy time at the Los Angeles World Affairs Council, and almost decided to go home because of the kind of hostility that was expressed. And then he came up here and he was extremely well received in the sense that he was cordially received.

I remember as we went into dinner, walking down the corridor, a New York journalist was saying, "What are these people all so enthusiastic about? Didn't he say he wanted to bury us?" [laughter] And of course that was true, but he was quite mellow in San Francisco, and even referred to God favorably, and wanted all of us to destroy our respective munitions.

I don't know whether this should be included or not. You can take it out, because it's of no importance. At the reception--the cocktail reception before the dinner, big dinner --he was receiving and shaking hands. A line formed, and Virginia Myer and Delphine were in about the same place in the line. And it was rather tiring, and Delphine took off her shoe just about three or four people away from Khrushchev. Virginia Myer was Theodore Myer's wife. Mr. Myer was the head of Brobeck, Phleger and Harrison and also was a [University of California] regent. Virginia said to her, "Delphine, what are you going to do if you can't get your shoe on and you're meeting with the Prime Minister?" And Delphine said, "I'm going to say, 'How do you do? My name is Virginia Myer.'" [laughter]

Hicke: That's a great story, that's super. I think the character of the visitors indicates the significance of the World Affairs Council.

Heilbron: Well, that's true. And now there's a community arrangement with respect to chiefs of state so that there will be no competition between the Commonwealth Club and the World Affairs Council. They have agreed that they will jointly sponsor chiefs of state.

However, there's something else I'd like to say beyond prime ministers, secretaries of state, ambassadors who have addressed the council, and other people in government who speak to us. The most effective speakers, the ones you usually get the most information from, who demonstrate the objectivity you want, are not from people currently in government, our own or foreign. The most penetrating analyses come from people who have had high places in government, but who have terminated or left service, and from journalists, from academicians, from people who haven't got a stake in any official or party line.

So, if you'll just give me that little booklet, and I'll go over some of the speakers that we had in the fortieth anniversary to illustrate what I'm talking about. [pause] Let me see, maybe you ought to hold that while I find--.

In the order of their appearance, these were the people who spoke to us: Marshall Shulman, professor and director-emeritus

of the W. Averill Harriman Institute for Advanced Study of the Soviet Union at Columbia University; Charles William Maynes, editor of *Foreign Policy* magazine and former assistant secretary of state for international organizations in the Carter administration; McGeorge Bundy, professor of history, New York University, former president of the Ford Foundation, and former special assistant for national security affairs to Presidents Kennedy and Johnson; Walt Rostow, professor of history and economics, University of Texas at Austin, and former special assistant for national security affairs; Sanford Ungar, dean of the School of Communications, American University, and former managing editor of *Foreign Policy* magazine; Gary Sick, international affairs program officer for the Ford Foundation and the former principal White House aide for Iran during the Iranian revolution and ensuing hostage crisis; Stanley Hoffmann, chairman of the Center for European Studies; and Douglas Dillon Professor of the Civilization of France at Harvard University; William Colby, former director of the Central Intelligence Agency and former U.S. ambassador; Robert Scalapino, Robson Research Professor and director of the Institute of East Asian Studies at UC Berkeley; Dianne Feinstein--now there's an exception, but of course, her duties were not in foreign relations, and she spoke as leader of the city delegation to Pacific Rim, Latin American, and European countries to develop trade relations with the city of San Francisco; James Chace, senior associate of the Carnegie Endowment for International Peace, and former international affairs editor for the *New York Times Book Review*; Edmund G. Muskie, former U.S. senator from Maine and former secretary of state; John Kenneth Galbraith, the Paul M. Warburg Professor of Economics emeritus, Harvard University, and former United States ambassador to India; Brian Urquart, he's a scholar in residence in the Ford Foundation, former undersecretary general of the United Nations, who was known as "Mr. Peacekeeping"; and Andrew Young, mayor of Atlanta, former United States congressman from Georgia, former United States ambassador to the United Nations; and one more exception: Richard Lugar, who at that time was senator from Indiana and a member and former chairman of the Senate Foreign Relations Committee.

I don't mean to indicate that people who have the responsibility for managing our governmental affairs have not got a great deal to say and are not extremely important in telling us what is in the minds of the administration and what foreign policies they believe the United States should follow and are following. But the general experience is that observations in depth come from the kind of people I have identified. I didn't give you their topics because I think just their titles and their experience would indicate that they were

responsible people and they were not, at the time they spoke, bound by any conditions that were current at the time and which would inhibit their willingness to express their own views.

Hicke: It also makes me think that we're making some use, I hope good use, out of the skills and expertise that people acquire, because most of those people have gone on to teaching jobs or other positions where they're going to pass along their knowledge.

Heilbron: That's correct, that's correct. One of the most important programs the council has deals with education. They have summer training retreats for high school teachers in northern California, from Monterey to Eureka. And hundreds and hundreds of teachers have gone through their--I won't say training, but their exposure--to the international concerns and issues of the day.

Hicke: Who conducts that?

Heilbron: Well, experts of the kind that I've indicated. Not of such high status as some of those, but people from the universities, and experienced people from the council itself. And the teachers, in turn, are able to alert and inform their students in elementary, middle school, and upper classes in the high school, and that means hundreds of thousands of students. I don't know by this time whether we're in the millions or not, but the program has been in existence long enough (fifteen years) to have had an effect on a great deal of education in international affairs in our schools. Certainly the quality of the instruction to students should be greatly improved by the quality of the instruction that the teachers have received, or if not instruction, at least informed exposure to what the issues are.

Hicke: Am I correct in assuming this is a mostly nonpartisan body?

Heilbron: That is extremely important. It seeks only to disseminate information concerning world affairs and its platform is open to advocates over a wide spectrum of programs.

Hicke: Okay. Are there any more programs that you want to talk about?

Heilbron: No.

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Heilbron: I might say a word about the organization and leadership of the council. It's had the same kind of financial problems as other

nonprofits that cannot be supported simply by the dues of members. It has to have other resources. Of course its members do respond to annual fund drives, and there is corporate support, particularly those corporations that have international interests. And there is foundation support that makes many of its programs possible.

But still there would be a gap in earnings, because they have to charge for certain of their programs even if you're a member; you don't get in free to all of the programs. They have an annual dinner where from seven hundred to a thousand people attend, honoring some person in the Bay Area usually, and that event has produced a good deal of money.

But the wise thing that the council decided to do was to buy the building in which it is housed and to rent space to other agencies, nonprofits particularly, in the international field. So they purchased the building, which is now called the World Affairs Center, on Sutter Street, about two doors below the Sutter-Stockton garage, making it very convenient for people to attend even evening meetings. From the net earnings of the rentals, they are able to fill that important operational gap that threatens most nonprofit agencies with financial trouble or disaster.

And what it seems to indicate is this: that many nonprofits in order to survive should have some basis of related or nonrelated income, whether it be the part of the building they own and don't occupy, or whether it be operating a gift shop such as the Museum of Modern Art provides. Apparently such a resource can be the key to success or failure of nonprofits that are having a harder and harder time.

Hicke: T-shirts are popular.

Heilbron: Yes, yes. The council does not have any shop. It does have the largest and most current international library in the area, and members have the privilege of borrowing books.

Hicke: You can actually check books out?

Heilbron: You can check books out, yes. The books are obtained in large measure from publishers who want exposure of their books to people interested in international affairs so that the costs are reduced by that fact.

It has a very large board comparatively--seventy-five members elected and then the chairmen of committees automatically become members of the board so that we've got

perhaps close to a hundred board members. That should, under conventional wisdom, be the worst thing to do. How can you get any kind of consensus from so many people? For a long time, an executive committee of the board of about twenty-three members, or a little less, did the spadework and the everyday work. But they've come to the conclusion that by reason of the status and responsibility of the kind of board members they've been able to attract, that the board as a whole should have more to say, and the number of meetings has been extended from four per year to six. The attendance is close to 70 percent.

Hicke: That's impressive.

Heilbron: I think one of the reasons is that they get a summary report of the most important international developments as the director sees them and another is that they are advised as to all the programs that they may wish to attend. And they do deal with policy questions--with whom should the council co-sponsor programs, what principles should govern the choice of topics and speakers, important budget decisions.

In certain situations, major donors are invited to dinners with the key international authorities as they pass through the city.

Hicke: The idea of having a large board was to add stature and--

Heilbron: The idea was to add stature and also to add to the financial support of the institution. As you know, if you want to raise money from others, your board had better raise money on its own. If you have a board that materially can begin a financial effort to raise capital monies for its needs, it helps greatly--the precedent of the board's participation is very important from the standpoint of getting foundation support and other support from the community. But you have to have people who not only support and serve the programs and the cultural aspects of your organization, but themselves either can contribute or cause other people to contribute. And that's the other reason for the large board.

And maybe I'll just close this area by referring to the kind of leadership--the executive directors--that we've had. We began with Eugene Staley, who was an economist at Stanford University. I think he was actually part-time, but he established rather high standards for the council. Howard Cook did everything for the council, including painting and decorating the walls of the first council headquarters, which, as it's pointed out in the history, was under the Arthur Murray Dance Studio, in a building on Sutter Street. Garland Farmer,

who once occupied the African desk at the State Department, who, after he left the council, administered very substantial mining interests in Europe, Africa, and Brazil. Eugene Burdick, who was the co-author of a best-selling novel, *The Ugly American*.

In one of the difficult financial periods, Easton Rothwell, who had been president of Mills [College] and who formerly had been in the State Department and had a particular interest in Southeast Asia, served as a Dollar-a-Year man to pull the council through.

The person with the longest service is Richard Heggie: twelve years of service between 1971 and '83. He had a good deal of experience in Asia with the Asia Foundation, and also started in the early days as an assistant to the director of the council. He was a splendid administrator. (Other posts: president of UC Alumni, mayor of Orinda, now on council board.) Peter Tarnoff, who's now the third position with the Secretary of State. Casimir Yost, who is now in Washington with one of the think-tank schools at Georgetown University.

Hicke: Yes. Research organization of some kind.

Heilbron: He wrote excellent columns for Bay Area newspapers on current foreign affairs issues. And now Ambassador David Fischer, who was consul general in Munich and also U.S. ambassador to the Seychelles. He has a broad international background, is very creative in programming, also gives commentary to the newspapers, and is president of the national association of world affairs' councils.

Hicke: Well, that's quite a record of leadership.

Heilbron: Yes, that's right. They've been dedicated men to the cause of the council. And quite correctly, the council has changed the title of director to president, and the old president has become the chairman of the board.

Hicke: Is the presidency a full-time job?

Heilbron: Oh, yes. It's a full overtime job--made manageable for many years by the assistant director, now vice president, a superb organizer of organizers, Jean Fowler.

I think that the history in itself takes care of the rest.

Hicke: Okay, that's a very good addition to the history that you wrote. So I'm glad we have it on tape.

[Note: Every year the council gives about 125 scholarships to Asilomar at $250 each for the weekend to college students interested in attending the conference. When the president of the council went to Washington on a trip this year, a young person in one of the departments there dealing with international affairs recognized him and told him what he was doing and that nine of the former Asilomar scholarship students were in Washington working in the international area.]

California Historical Society

Hicke: Okay, well let's switch then to the California Historical Society. When did you get involved with it?

Heilbron: This is relatively a more recent interest than the others that we've been discussing. Eleanor Anderson--she was Mortimer Fleishhacker's sister--was on the board of the California Historical Society and was leaving the board but was, I believe, chairman of the nominations committee and asked me in 1978 if I were interested. I had very little understanding of the status or the program of the society. I knew it was organized to preserve and disseminate information about California history. I knew Mr. Ehrman had served as a trustee, and I remember his receiving books published by the society when I came into his room one day. I realized that it was a rather old institution in the community and after I joined it, I was informed--

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Heilbron: After I had joined it, I understood it was over 100 years old--I think organized in the 1870s--counting periods of discontinuity; when they ran out of money, the society stopped and when it, maybe four or five years later, accumulated further interest and money, it began again. So I suppose that there are 100 full years by this time, and I think its last reorganization was in 1921.

I joined a board that was quite dedicated to its purposes. In fact, I would like to say that I have been on many boards in the community, and I have been impressed by the volunteerism in our community. I think that San Francisco has been most fortunate in the people that it has interested in its cultural activity--in its symphony, its opera, and in these cultural activities. These "points of light" existed long before Mr. Bush quite correctly talked about them. But nevertheless these activities organized by volunteers, I think, considering the

scope of work done, are unique in the world. The British have a good many activities, too, but I don't believe that they have the force and influence of the American activities, and certainly the Bay Area must be pretty well up to the highest level.

Well, when I came aboard, the long-time director had left, Pamela Seager was the acting director. She was doing two or three jobs. She was administering the agency, she was a curator of the art, particularly the paintings that were owned by the society or were on loan to the society.

Let me outline, for a moment, what the society really consisted of.

Hicke: You went on the board in '79?

Heilbron: Yes, my active time began in '79; I believe I was invited in the late fall of 1978. I think I served for two years as a trustee and two years as a vice president, and then in 1983 I became president of the organization.

The physical plants consisted of the Whittier Mansion located at Jackson and Laguna Streets, a fine residence of a successful merchant, erected around the early 1900s or maybe just before that in 1895 or 1896; anyway during what you might call the late Victorian period. The woods in the building were beautiful, and that's where all of the luxury of the building rested and made it notable.

At one time, it was the German Consulate. In fact, we lived two doors away from there in the late thirties and up to 1942. Come to think of it, when Fritz Wiedeman was the German consul, we occasionally were able to look through the outside window and see a big swastika inside. As mentioned before, when Wiedeman and the consulate were thrown out by the U.S. government, which was emptying the German embassies and consulates from the United States, Wiedeman left in style: thirty-seven taxicabs and, according to the story, a $10,000 tip to make people think that the Germans at the time were nice people.

In any event, there was a kind of historic association with this building. It was acquired, I believe, in 1963 when the society was fortunate to receive a rather substantial legacy.

In addition, there was an older building at the corner of Pacific and Laguna, and next door to it another building that was acquired for the purpose of using it as an annex to the library, buildings that had been put up by the Spreckels family

for their sons or daughters. These all were acquired by the sociaty, I believe in the sixties and possibly one of the buildings in the early seventies.

The society has, I think, the fourth largest historical library in California, particularly some very valuable diaries and communications and letters from the earliest Mexican period. The library has been widely used. Of course it is not nearly as extensive as The Bancroft Library [at the University of California]. At one time, there was a thought that the economics of the situation would have been favored if The Bancroft acquired this library, and The Bancroft was interested in the best selected items, but not to take in the library as a whole. One of the most interesting people to use the library was James Michener.

Hicke: What did he use it for, do you know?

Heilbron: I don't know which book he used it for. My guess would be *Hawaii*. Possibly *Iberia*, but I think *Hawaii*.

The paintings are of early California, and a number of them are quite valuable and have recently been exhibited in the Crocker Gallery in Sacramento. But they have occasionally left the premises for exhibits elsewhere, at the De Young [Museum] and other places. And they have old costumes in use in early California.

The society has a window in the south, El Molino Viejo, in Pasadena, near the Huntington Library, the old mill, which it leases for a dollar a year from the city of San Marino, but brings exhibitions to the mill to warrant the value of the leasehold.

I think it was during the earliest period of my association that the legislature recognized the society as the official historical agency for the state of California.

Hicke: They did not, however, fund it.

Heilbron: This is the deceptive part. We are recognized, but not supported. Therein lies much of the tale of the society. Almost every historical society of a state in the United States is supported by its state. I think Michigan is the only one that has a similar situation of dependence on private support.

Now, it did originate, as I understand it, differently from most other societies. That is, a group of amateur historians

met together and enjoyed each other's company and read each other's work and kept the whole affair a very closed matter, a closed organization. I think there is a club in San Francisco called the Chit Chat Club that also elects its members, reads to each other the writings and creative works of its members, and that's pretty much what this group did. They didn't want any outside interest. They called themselves the California Historical Society, [but] were completely a San Francisco organization. Well, when they started, what was California but San Francisco and its environs, in their opinions. I think they thought nothing about attaching the name of California when San Francisco was a city and Los Angeles was a village.

Hicke: Also, probably they took California for their subject.

Heilbron: Yes, for their subject. And they did, of course, have subject matter in the library from southern California. I am not sure where their art contributions came from. The society was relatively homogeneous in the kind of membership it had, but I understand there were great political rivalries within the organization. It wasn't until rather late in its hundred-year life that the society spread out and was interested in a larger membership and was interested in the preservation and dissemination of history for the citizens of California.

Hicke: Were they still arguing about Drake's Plate?

Heilbron: Yes, it's quite amazing that history can produce such bitter controversy. [laughter]

Hicke: True.

Heilbron: And Drake's Plate is one example. A gentleman who was the owner of the Nut Tree later was the great advocate of the authenticity of this plate.

Hicke: Was it Robert Powers?

Heilbron: Powers is the name of the man who is from the Nut Tree.

Hicke: I think Alan Chickering was involved in it.

Heilbron: And even in recent years, Dr. [J.S.] Holliday--and I'll come to him in a few moments--was supportive of Robert Powers, who had been president of our society, too. He wanted new chemical tests to be made of the plate to see if the earlier determination by Dr. [James D.] Hart that it was not genuine was correct. So even during the time when I was active, this was a revived matter.

Then another matter that Dr. Holliday introduced almost casually in an address when he resumed the presidency--and I'll describe that in a few minutes--still caused quite a stir. Dr. Holliday indicated that there was too much attention paid to the mission period of California history and then even that was not quite accurately presented. A monsignor from Los Angeles took offense at what he felt was an injustice in statements with respect to the missionaries and the church's contribution to early history. That caused quite a number of communications back and forth with near apologies and explanations. So history can become quite an issue.

Look at Columbus. The matter, practically dead for five hundred years, suddenly has become a national issue. A moving picture now has been made of Columbus. I haven't seen this picture, it recently has been issued, but there is bitter criticism, people protesting that he shouldn't be honored. I don't know what's going to happen to our statue of Columbus at Land's End. It's pointed the wrong way as far as welcoming is concerned to the new land, but there it is. These issues do come up.

For some time, the idea of this kind of controversy was used by society members as stating why we should never accept subsidies from the state, because the state would politically control the history. Here we are independent and can do what we please and so on. That must mean that all of the other states' histories are politically written and so on.

Hicke: Skewed?

Heilbron: And that's not true. After about twenty-five years, the truth can come out without injuring many people. I will say that current history can be affected by the fact that the state subsidizes and appropriates for the support of an historical society, but in the long term, I don't think that what Hiram Johnson did in California will be affected by who writes and publishes these days, nor will anybody resent the publication.

So that gives, perhaps, the general background of the plant and the program. Now, for most of the four years in my period at the society, Pamela Seager was the acting director, and as I explained, did the work of at least two people if not three. But it was recognized that the society needed a professional historian to be its head. We had two searches, both of them nationwide. We almost acquired two people, one from the Midwest and one from Arizona, but when the conditions were negotiated, they were simply not conditions we could afford.

The search was quite earnest and complete, and people did want to come to San Francisco, but as I have learned from searching for other organizations, people want to come to San Francisco, but soon they find out what the cost of houses is, and unless an agency is prepared to make special arrangements for people coming from particularly the Midwest, it becomes quite costly. While these costs may not bother wealthy organizations like the symphony and the opera so much, they do concern the smaller organizations.

Dr. J. S. Holliday had been, for seven years in the seventies, the director of the society. He was and is an excellent writer. He is passionately concerned with California history. I certainly think he and Kevin Starr are among its leading historians. Jim Rawls is also well known, all of them associated, incidentally, with the society at one time or another.

Well, for reasons never entirely made clear and, I think, better understood as time went on, Dr. Holliday resigned from his first period of service from the society. The story was that he couldn't quite control the expenditures against the revenues. But on looking the situation over, there were some board members who had been with the old board and felt that he had not been properly treated and that he was certainly the most creative and most familiar with California backgrounds and history of any of the people whom we interviewed and that he should be our choice. I negotiated his new contract of service with us.

When he came on board in March of '83, I had just begun my service as president. I had inherited a budget that was constituted on the theory that if you are going to make money, you are going to have to spend money. It is perhaps a little bit consistent with the spirit of national spending during the eighties, [laughter] but the government can do things that private organizations can't do after a while, and yet this was a budget $300,000 in deficit. Regarding the budget, Holliday said that he felt certain the deficit could be met and we went into a combined campaign. We were going to raise $7 million for an endowment, which a consulting agency thought feasible. With that amount of money, we believed that--

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Heilbron: --our deficit could be taken care of from the earnings. Now we already had an unrestricted endowment of close to $750,000 that had been eaten into during the past years, but we were all very anxious to see if this campaign could be successful.

I was encouraged by two trustees who were friends of David Packard, who had seen him and who perhaps were overconfident in what they would able to obtain. They thought that he was prepared to subscribe $300,000 as the beginning of our campaign solicitation, but Mr. Packard had never made such a commitment. He did finally give us $25,000.

I found that I was in the money-raising business instead of the historical-society business. During that first year, by a big effort among our trustees and through a substantial gift from North Baker, who always was a supporter of the society, and through foundations and individuals, we did raise $300,000, a good part of which I raised on my own and knew that that could not be repeated.

We raised about as much money during that first calendar year of my operation as we spent. I could see that we would have to cut down administratively if we were going to come anywhere near balancing the budget. We had expanded in southern California; as a California society, we felt that we had to have more than El Molino Viejo, we had to be in Los Angeles, and we rented a place in Los Angeles. As a matter of fact, the rent was zero--a title company had given us the first floor of a building on Wilshire Boulevard--and we had a branch down there with an exhibit. At least it gave some visibility to our Los Angeles trustees. And yet we had the cost of an administrator and assistants, and we had traveling exhibits, we had our art exhibit down at El Molino Viejo. We met down in Pasadena as well as in San Francisco.

During the earlier days, before I was president, we met in Monterey and then in Sacramento. The meetings were well organized, mostly due to Pamela's expertise in organization. Everything that was done by the society was done with grace. The invitations that went out were always engraved, and they were beautifully done, but I had a feeling that this was part of our problem: we had more grace than money.

I did introduce the idea that we had this lovely mansion and nobody used it for a social purpose. We did have luncheons catered in the mansion and invited our targets for solicitation to these luncheons, and it produced some results. We got capital funds for the improvement of the library. The Hewlett Foundation was most helpful in making it possible for us to use these new collapsible frames for shelves, and the Cowell Foundation was helpful, too. And what was the foundation that helped in the blood bank in San Francisco? [Flood] They were helpful with the money transfusion. [laughter]

But we had to count on all of these. The membership floated around 7,000 or 8,000 in those days and, as Holliday quite correctly said, it's ridiculous that a society that is supposed to be the custodian of California history should have 8,000 members. It should have at least 25,000 members. But it's a different issue to raise money for history where the consumer takes a book to read, and a performing arts organization that gives a good deal back for what it receives. The performing arts give mass enjoyment and have either an operatic tradition or a symphony tradition, and it is partly a spectacle--ballet included. Performing arts can raise money that historical societies can't, and that's the reason why such societies, if they are going to be successful, have to have state subsidy. I assume that the university understands that quite well at this moment. But a private organization, like the historical society, has its own particular problems.

On the asset side of the society, through the years I find that we did publish a fine quarterly that has been recognized throughout the United States, and I'm glad to see that the present is even better than it has ever been. That's because of an arrangement made after I left with Hayward State [University] where their history department is part of the process of the publishing of the magazine. While I had urged the relationship between the state university and the society, I had never brought it about completely. Now I believe that Robert Corrigan, president of San Francisco State, has served on the board, so that situation was improved.

In my second year, when we started substantial retrenchment, Dr. Holliday was both happy and unhappy. He was happy that his book, *The World Rushed In*, was such a success--and we were happy for him too, but I believe he felt we might be liquidating the society's empire. Apart from this, he had advised us that he planned a change in the direction of his career--he wanted to concentrate on writing and a lecture program--though he would always support the society. He did resign during the year and was awarded executive director emeritus in recognition of his contributions.

We replaced him with a director, Joseph Giovinco, who was a professional in history--of course he didn't have the stature that Holliday had--and he thought that he could manage to run the operation at a lesser cost. He made quite a number of personnel changes, but even the changes he made ultimately--this is after I left--even the changes he made did not content the people whom he employed. It was like Mr. [Mikhail] Gorbachev; he got all of his people that he thought were his people, but they turned out not to be his people. I understand that ultimately Joseph left.

I felt that the most important thing I could do was to get our debts paid off. We had borrowed money for operations and secured it with a mortgage on one of our houses. We had a line of credit; because of the type of people who were on the board, the Bank of California was quite supportive and generous in lending us money. We were always quite wealthy at the beginning of the year when the dues first came in; it gave us a false sense of security. When the summer came and the revenues dried up, we had to borrow to get through the year. The borrowing, I felt, meant we would never get to face a balanced budget until we got our debts paid off and began anew.

So that annex building that we thought was going to be necessary for the library, in view of the new ways of storing books and getting tapes and so on, did not prove to be essential. Although there was some debate about it, we sold that building, and I think after paying off mortgages and everything else, we netted $390,000; and that, together with our unrestricted endowment, put us pretty much in the same position we were in a good many years ago when all of these properties were acquired.

The deals were completed after I left, but I followed through the deals until they were completed, and the conditions in the escrow were written so that various people got paid off; so I knew that when the transaction was over, we would be in the position, let's say, to start a new life. I knew that the first year, the year that I left in November--I had an extended term of about two-and-a-half years because of a change in the fiscal year--that we would be out somewhere above $25,000, but that was a small cost compared to what we were losing previously.

When my term was up, I left, though I was offered another year on the board. I declined and was given president emeritus status and got involved in other community services. By that time, Golden Gate University was becoming increasingly demanding of my pro bono time. Of course I followed the fortunes and misfortunes of the society with great interest. My successor, Nancy Maushardt, was totally dedicated and had high objectives but lost the battle of the budget, and there was a succession of new executives.

However, I have noted that the current executive, that is the director, Michael McCone, is an experienced administrator, had extended experience in the city government of San Francisco, is sensitive to public relations, is creative in his approach to north-south relations--and by that I mean recognizing that we are a California society. The society's albatross around the neck, the mansion, has been sold, and a new site for operations

secured near the Yerba Buena cultural center, and certainly the society has been helped by North Baker's key legacy of $2 million. I don't know what the total amounts to that he has given over the years. The library is now named after him, as it should be, and I think that the society is now in a position where it can go to the state and say, "We are a viable institution worthy of support, and not of a bailout." I'm hoping against hope that that is what happens with the society.

Hicke: Unfortunately the state is not in good shape to help.

Heilbron: Absolutely. The trouble is that the state has other priorities, which I'm sure it will recognize, and this is simply not a good time to facilitate that relationship. I believe, as I have advised informally when asked, that they may be in for another period of retrenchment.

If you have any thoughts or questions, maybe I could respond to them, but I think I have given an overview of the society.

Hicke: It has been an excellent overview. It is really good. I think you have answered all of my questions in advance.

Heilbron: What was the other thing that we were going to talk about?

Hicke: The Human Rights Commission.

Heilbron: Let me see if I can find the notes somewhere on that. But first, I'd like to say a word about the program of the society which recognizes businesses and professions that have been in continuous existence in California over 100 years. The rule is that if the antecedent of a company sold out to a successor who continued the business, you could aggregate the years.

Hicke: Sold to a California business?

Heilbron: Yes, that's right. So that, for example, there are many ranches in California and agricultural interests that go back over 100 years, but naturally the people changed, although the families very often are intact. These 100-year certificates have been given to businesses, especially at the State Fair. But I think some ten law firms have been given these certificates. As you know, we received ours (Heller, Ehrman, White & McAuliffe) a couple of years ago, in 1990.

I would like to say a word about some of the trustees who have been contributors to the organization in time and funding and who were devoted to its interests. Besides North Baker, who

was also active in the World Affairs Council with me, there was Robert J. Banning of an old southern California family, and the town of Banning bears their name. George Hale was treasurer; he has been active with the symphony. Mrs. Dix Boring has been particularly active for a long period of time.

Richard Otter from Belvedere is a collector of Californiana and a prominent broker. At the time of this oral history, he is president of the Commonwealth Club. Mrs. Earnest Bryant, from Laguna beach; Mrs. Robert Carter of Colusa, a representative of large agricultural interests; J. Hughes Crispin of Santa Barbara, who at one time was president of the San Francisco World Trade Club; George Dietz, who was an executive at McKesson's; James Galbraith, who was an executive with International Hilton; James Green, who was the senior partner at the time at the O'Melveny law firm in Los Angeles; Donald Hata, who had been associated with the administrations of Sacramento State [University] and Dominguez Hills State University; Richard Reinhardt, a writer; Mrs. John D. Relfe, very active with the symphony, but she had great expertise in running auctions and raised considerable money in the biannual auctions that the society had; Rodney Rood, who was an executive with ARCO in Los Angeles; Earl F. Schmidt had an avid interest in history; Lockwood Tower, who came from Virginia and wrote a book about the Civil War; Charles Wollenberg, himself an historian--

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Heilbron: --a California historian of note; and of course Albert Shumate, whose avocation is history and is also a president emeritus, and a luncheon honoring him will be held later this autumn of 1992.

I have named people who were active at the time when I came into the presidency, and these have been replaced by people of equal interest, and I will say that they have solved the problem of north-south trustee meetings. That is, they hold a meeting with the trustees of the city where the principal meeting is held gathered together, say Los Angeles, and then the trustees who are near Sacramento meet at the same time there around a table, and the same is true of San Francisco, and of course if San Francisco is the place of the meeting, everything is reversed, but the meeting is held on conference calls with loudspeakers and everybody chimes in on this basis. That has meant a great deal, I assume, in eliminating the problem of absenteeism.

I have omitted the names of good people, but these are some who come to mind and are representative of the kind of people who were active in the society.

Western Jewish History Center

Hicke: Did you participate in any history group besides the California Historical Society?

Heilbron: I served for a number of years on an advisory board to the Western Jewish History Center of the Judah L. Magnes Museum located in Berkeley. James Hart of The Bancroft Library was a distinguished member.

Hicke: When did it start and what does it do?

Heilbron: This history center started in 1967. James Gerstley was the first chairman. His family and the Sloss family had operated the Alaska Commercial Company, a sealing company that had supervised the gathering of seal skins for commercial trade in the Pribilof and Komandorskiye Islands. Sue Warburg is the present chair, Dr. Moses Rischin, the director, and Ruth Rafael, the head archivist.

The center gathers diaries, oral histories, photographs, memorabilia, and reports of Jews and Jewish religious and community organizations in the thirteen western states and their impact on the life of these states, from pioneer days to the present.

A notable achievement has been the publication by archivist Rafael of an index to all of the center's holdings entitled *Western Jewish History Center: Guide to Archival and Oral History Collections*. The center, under the imprimatur of the museum, has published *Architects of Reform, a History of Congregation Emanu-El, 1849-1980*, by F. Rosenbaum.

Hicke: Does the center reach out to the public?

Heilbron: Definitely. Staff give lectures, seminars, and workshops on western Jewish history and prepare traveling exhibits.

Hicke: Researchers--

Heilbron: Find it a superb resource.

Tribute to Louis Heilbron Planned for October 29

Mark your calendars for **Friday, October 29** and join us in honoring Louis Heilbron at a luncheon at the Sheraton Palace Hotel in San Francisco. The event is sponsored by the CHS Activities Council. Mrs. John C. Williams, Council chair, and Mrs. Dix Boring, Luncheon Patron chair, are organizing the event.

Louis Heilbron is a man who has served many organizations and institutions throughout the state with distinction. He is President Emeritus of the Board of CHS, and we are pleased to have an opportunity to express our appreciation to him and to benefit the Society to which he has given so many years of service and counsel. Our keynote speaker for the luncheon will be Dr. Clark Kerr, former president of the University of California.

Mr. Heilbron may be best known for his contributions to higher education in California and is much admired for his role in negotiations with striking students and faculty at San Francisco State University in the 1960s. A 1969 *San Francisco Chronicle* editorial calling for his reappointment to the State College board of trustees praised him for his "moderate, flexible approach." A retired partner of the Heller, Ehrman, White & McAuliffe law firm, Mr. Heilbron was first president of the California State Colleges board of trustees and is an author and community leader.

He has served as president or chair of many organizations in the state, among them the California State Board of Education, San Francisco State University, Golden Gate University, the World Affairs Council of Northern California, and Congregation Emanu-El in San Francisco. Among the tributes he has received are an honorary doctorate from U.C. Berkeley and distinguished service awards from several universities, the *San Francisco Examiner*, and the NAACP Legal Defense Fund. He is a 1928 graduate of U.C. Berkeley and was awarded a law degree from the University of California Boalt School of Law in 1931. Mr. Heilbron resides in San Francisco with his wife Delphine. His sons David and John--one an attorney, the other a University of California administrator--share common interests with their father.

Human Rights Commission for San Francisco City and County, 1969-1975

Hicke: Okay, let's switch gears again and tell me about your work with the Human Rights Commission.

Heilbron: Well, I was pleased to be appointed to the Human Rights Commission.

Hicke: Now let me just ask, is this national?

Heilbron: No, this is local. I had served on state boards and had been engaged in national organizations, but I had never served on a public institution in San Francisco.

Hicke: Really?

Heilbron: Well, I had been in many private organizations, but this was a public institution.

Hicke: When was this?

Heilbron: I think the appointment was in 1969 or 1970. It was a [Mayor Joseph] Alioto appointment. I joined with a very effective group of people: Leonard Kingsley, who has since, I believe, been president of the symphony; Earl Raab, who was probably the most effective sociologist in Jewish affairs in this area--he's got a national reputation; Dean Julian Bartlett, from Grace Cathedral; Rabbi Alvin Fine; Reverend Victor Medearis; Sister Bernadette Giles; Joseph Garcia; and Eduardo Sandoval.

The agency was advisory to the mayor and the public in most matters, but it did have control over minority contracts with the city. If the city made a contract with a supplier that did not have the appropriate antidiscrimination policies, the contract would not be approved by the Human Rights Commission, or it could be cancelled by the Human Rights Commission. That's where its clout was with respect to city contracts.

With reference to nondiscrimination generally, it has simply had persuasive authority, but publicity is a strong tool, and while the agency was not quite in a position to argue with everybody, it could argue with a few. And also it could, just by calling attention to a situation, be persuasive. For example, it discussed matters with Wells Fargo Bank, and they became really the first banking institution in the city to have a full employment policy regarding the employment of minorities, and that led other competitors to do the same.

One of the issues that came before us was bilingual education. There were people in the Chinese and Hispanic communities who insisted that the only fair program, considering new immigrants particularly, was to have bilingual education from the kindergarten through twelfth grade, K-12. I recall that the board of education was engaged in establishing a policy that was sympathetic to this point of view and was going to adopt it as the policy of the city. As a matter of routine, it came over to the Human Rights Commission. I opposed this concept. I felt that it was entirely proper that the school system devote a number of years to children to equip them to be competitive with other children so that by the time they were in the fourth or fifth grade, they would be competing in English. But I felt that continuing this program through the high school would simply prolong the period when they would not be competitive. It seemed to me an erroneous procedure, although well motivated.

The board of education nevertheless adopted three huge volumes of programs and policies supporting the idea of this continued bilingual education. That might have been their political answer, but it has never been implemented. In the first place, it would be an extremely costly program; in the second place, getting teachers to be competent and keep up the quality of education would be a very difficult matter.

I remember that when I was president of the State Board of Education, I met with James Conant, and I told him, not with the purpose of bilingual education but with the purpose of improving foreign language education in the United States, I said, "Goodness, with all of the people who come from foreign countries and of course are fluent in their own languages, why can't these people be used on a special project basis in the public schools?" He said, "It won't work." He said that because a person is fluent in his language does not make him a good teacher, does not give him the background or the basis of teaching, does not give him a substantive understanding of what the subject is. He said, "It's not going to work, beyond the fact that none of the teachers' organizations will let them in and that it would be a political hot potato."

Hicke: But he was approaching it from the theory of education viewpoint, too. I'm not so sure that that's the entire story.

Heilbron: Well, I hope I have quoted him correctly, but I do know that he opposed what I thought was possibly a good idea.

Hicke: I would agree with you.

Heilbron: But this would be doubly the case where you had big subject courses. We are not talking about language teachers.

Hicke: Oh yes, you would have to teach chemistry and history--

Heilbron: You are talking about history and mathematics and everything else.

Another problem that was beginning to manifest itself more and more and which I think later on took over a good deal of the time of the Human Rights Commission was the question of discrimination against homosexuals. I remember dealing with one of the utility companies that had an absolute prohibition against employment of homosexuals. We worked out a compromise arrangement that I think is holding to this day.

Hicke: Well, if they had an absolute prohibition, they must have given up that idea.

Heilbron: Well, they opened it up to homosexuals. The only thing that they were going to draw the line on was exhibitionists: people who in manner dressed in drag or something like that would be a disturbing element in the operation. That was the only line that they preserved.

Hicke: So you effected a virtual turn-around?

Heilbron: Certainly there, and before considerable specific legislation. Of course, with legislation and with the whole situation developing in the city and elsewhere, the pressures are a great deal different now to do the work of the Human Rights Commission, which could only act in a persuasive capacity.

Then we had a big argument over the International Hotel, which was a hotel housing elderly Filipinos on Kearny Street, Kearny and Pacific, I think. In any event, the owners wanted to tear down the hotel and throw out all of these people, evict them, and they were owners outside of the state. We did all we could to defer the permit for the destruction. It worked for I guess several years, but finally it was destroyed, and they left that hole in the ground for years and years, and still remains!

Once again I had the problem of chairing a committee to select a new director in the field, and it was a hard choice. We went national in our search, but it wound up being an issue between a very good Hispanic and a very good black who was already in the city government--both of whom were already in city government. The Hispanic was an acting executive, but the black was most impressive. We employed him.

One of the unhappy parts of the experience was to find out how bitter competition is between these minorities for any job, particularly for an executive job. The person we employed lasted for thirteen years through several mayors, so I guess we made the right choice.

Hicke: Indeed.

Heilbron: And I think this is about the story I would tell of the Human Rights Commission. The relationships among the board members were quite cordial, supportive, and these were people who felt that they were, in a way, acting out part of their mission as theologians as well as the moral commitment.

Hicke: How long were you on that?

Heilbron: About six years. I had two terms of three years each.

Hicke: Was the religious diversity deliberately arranged for, as well as the cultural diversity?

Heilbron: Well, you had Fine and--

Hicke: I didn't know if there was a Catholic and a Protestant and that kind of thing.

Heilbron: Sister Giles certainly and probably the Hispanics were Catholic.

Hicke: Oh, yes. That's right.

Heilbron: And Dean Bartlett and the others were Protestants.

Hicke: Well, it was deliberately arranged for that?

Heilbron: I assume so. On the original appointments as they were organized, the mayor undoubtedly gave it careful consideration.

Hicke: Do you have any idea how long it had been in existence?

Heilbron: Not too long. My impression is that it was organized in the sixties. I believe Mr. Becker was the first executive, a very able person who went to some higher job, and he brought the staff together, which was a varied staff of minorities.

Hicke: Would you say it has been fairly effective overall?

Heilbron: In the specific area of city contracts, yes. The scope of its persuasiveness, I don't know. During the militant period of the homosexual situation after the assassination of the mayor, I

don't know. It operates rather quietly. I suppose it was designed as an outlet for concerns and pressures, and it is a place where minorities can go and get on the agenda and have their say and bring issues to the attention of the city. It may well be that while the Human Rights Commission cannot address the problems, it can redirect them and make the mayor and board of supervisors conscious of a situation for them to deal with. It is not an agency that gets into the headlines and doesn't want to, so I would find it difficult to evaluate. I think that during the period I was active on it, it had the respect of minority groups and was considered to be sincere and caring, but its jurisdiction was limited and its influence was limited.

That's it.

Hicke: Thank you.

Golden Gate University: Board of Trustees, 1969-present

[Interview 13: October 28, 1992]##

Hicke: I thought we could start today with Golden Gate University. Was it the board of trustees you were on?

Heilbron: It was the board of trustees and has been a very interesting experience.

Hicke: Could you start by telling me when you were appointed and how that came about?

Heilbron: Well, I joined the board in 1969, not long after I completed my services with the board of trustees of the state colleges. Samuel Stewart, who was the general counsel of the Bank of America, met with me and told me about Golden Gate and believed that I would be interested and satisfied with the experience of being part of it. After a luncheon and a few calls and a little investigation, I agreed to serve on the board if elected, and I was elected, so I began my services.

Hicke: What was it about it that appealed to you?

Heilbron: First of all, I had not been engaged in a program with a private university, and second it was in San Francisco, and it meant that I didn't have to move back and forth over the state for trustee meetings, and it was a downtown institution in San

Francisco, chiefly. So these were attractive elements. Most of all, as Stewart pointed out, the university was tied to the community in industry, in business, and in law so that one could feel that he was doing something related to the community by participating in this enterprise.

As I indicated, it was a different experience from an institution of nineteen campuses that were comprehensive in nature, though they stressed the liberal arts very much in the traditional sense.

Hicke: You are referring to the state college system?

Heilbron: Yes. Here was a practical, entrepreneurial college that was chiefly graduate and oriented to the business and industrial needs of the Bay Area. Currently, I believe 40 percent of the tuition is paid by corporations interested in having their personnel move upward in responsibility with the additional knowledge and academic experience they receive through this institution. It has been primarily--still is primarily--a graduate professional institution with three areas of particular interest: business, public administration, and law.

Until recently the prevailing view was that it began as a law school. Only a law school; a kind of part-time law school, commenced by the YMCA in 1901. For quite some time, it remained in that position, but it slowly expanded, still under YMCA auspices, into the economic and public administration fields. For a considerable period during the earlier parts of the century, it was a slow expansion. It was known as the university or college of the last chance; that is, people who otherwise didn't have the funds to go to college, who were disadvantaged, could go to this place which, after all, had a charitable foundation through the YMCA, and become a lawyer, become an accountant and in that way have an opportunity they otherwise would not get. The new president, Tom Stauffer, has traced the institution's beginnings back to 1853 when the YMCA offered a lecture series and essay readings.

Hicke: Was it mostly part-time?

Heilbron: It was night and part-time and, except for the law degree, took some time to have [the right to award] any degrees. It had its main quarters for a long period on Golden Gate Avenue in the YMCA building there. It broke away from the YMCA, but the arrangement has always been that three of the trustees be nominated by that institution. I'm not certain it is still a requirement in the by-laws, but it is honored, and some of the strongest trustees have come from that source.

Hicke: How are the others nominated?

Heilbron: The others are nominated as in the case of almost any other institution with self-perpetuating trustees: nominated by a board committee, reviewed by the board, and then appointed by action of the board, as are the YMCA candidates themselves.

For a long time, the school was operated under directors, but they became presidents after a while. The stability of the institution is indicated by the fact that since 1930 there have only been three presidents.

Hicke: That's unusual.

Heilbron: Since 1930 there was Nagle T. Miner, who served as a director previous to his presidency. Then Russell T. Sharp, who served for--I know one twelve-year stretch; he came back into the institution for a time. I don't know whether the twelve years is aggregate or not. Most recently, Dr. Otto Butz, who retired after twenty-two years of service this July 1, 1992.

I would say that during the period of these last two presidencies, if not before, the slogan of "The School of the Last Chance" has been abandoned because of the changes that had to be made for the purposes of accreditation and because tuition costs have mounted to enable the institution to continue. The students who come to the graduate programs are not students who are of the kind that were admitted in the first years of the institution. In that sense, the institution has changed, I guess as all American universities in one way or another have changed. After all, the great Ivy League institutions began under theological auspices and they, too, have had marked changes through their careers.

I might say, however, that Golden Gate, through its three presidents, has had somewhat the same experience that the older institutions in the country had during the nineteenth century. They were developed by single presidents who had been delegated considerable amounts of authority and were able, pretty freely, to establish the program of their institution.

Hicke: And so there is a parallel here?

Heilbron: There is a parallel in that apparently it takes one dominant personality to push an institution into prominence, and then it takes about eleven to thirty-five people to maintain the operation as trustees and to be careful about their appointment of presidents, and the career of the modern president is

approximately five years. So it has shared in the developing experiences of American higher education institutions.

[tape interruption]

Heilbron: I might say that the university currently has an enrollment that makes it, in numbers, the third private California university in the state: Stanford [University], USC [the University of Southern California], and Golden Gate.

Hicke: Are you going to tell me what the differences are that you found between the private university and the public system?

Heilbron: Yes. I think I'll get to that.

The board has consisted mainly of representatives of the business power structure of the Bay Area. Board chairmen have included Samuel Stewart, as I mentioned, and he also became the executive vice president of the Bank of America; Fred Drexler, who was president of the Industrial Indemnity Insurance Company; Stanley Skinner, who has been executive vice president of PG&E [Pacific Gas & Electric Company]; John Neukom came from McKesson's. Somehow I got in there between 1979 and 1981.

I mentioned about the presidents, and the history of the institution has been and is being written by the presidents, with respect to their periods of office. Nagle Miner has given the years up to his departure from the presidency, and Russell Sharp has completed and published his book, and now Otto Butz is beginning on his book covering his period of presidency.

Hicke: Is he still the president?

Heilbron: No, he retired as of July 1, 1992, so he is just beginning. I mention this because I don't want to repeat a lot of material that will be available to anybody through these books. They are written in some detail, and considerable effort was made to make them accurate with reference to what occurred, when it occurred, why it occurred. But of course these books are likely to be a good and favorable record of the institution from the executive point of view and not too likely to be critical of any of the leadership that's writing the books. But they will be pretty objective nevertheless. So my comments should be from the viewpoint of the trustee engaged with policy and will not be too involved with the administrative detail.

Hicke: It's good to have that in the record, though: the fact that there are these books that can be referred to.

Heilbron: Yes, that's why I mentioned it. Because if people are interested, this will be called to their attention.

I told you that there was the attraction of the board as being a local body within the city. It met approximately ten times a year for one-and-a-half hour noontime sessions on the last Friday of each month. The board was able to handle its business with expedition, due primarily to two conditions: first most of the detail and policy were developed between sessions by the executive committee of the board, consisting of the chairmen of its standing committees, and the other committees.

Hicke: Were you an officer of this board?

Heilbron: Well, I was chairman in 1979-'81.

As I indicated, the bulk of the administrative decision-making, spilling over into policy, was delegated to the presidents in more or less the nineteenth and early-twentieth century tradition. Let's compare it a little bit to the [Robert Gordon] Sproul era [at the University of California]. Of course, that was well into this century.

Now, in a book I wrote about college and university trustees in 1973, I wrote that I had admired this one-and-a-half hour efficient board meeting program, always ending at 1:30 p.m. after a working business luncheon. One of the chairmen, Harry Lange, used to proudly say, "...and we've concluded at 1:29!" [laughter] I commented favorably on the procedure, but soon after publication, as enrollments, curriculum, financial considerations became more complex, I realized that the board was not engaged as much as it should be in the program of the university. Its hold on finances continued to be effective and always has been, though the institution is tuition driven (about 85 percent of the operational expense is derived from tuition).

Hicke: And the rest comes from the YMCA foundation?

Heilbron: No, the rest comes from income derived from a small endowment and from contributions through estates and by individuals.

The expertise and interests of the board were almost entirely business, and the board's relationships to faculty, to planning, and to development were limited. In the past two years, the situation has changed materially. Board meetings do not adjourn within an hour and a half after lunch, and committees have revived with their activities in some depth.

Hicke: I would say that is more important than adjourning at 1:29.

Heilbron: Of course. As I pointed out, it was because the committee structure was rather strong, with an executive committee meeting rather frequently, that made it possible for these shorter meetings. But the board has thirty-five people, the attendance is quite good, and they enjoy the meetings and that's why the attendance is quite good, but as I will detail a little bit later when the accreditation problems come up, the board needed to be more active and involved in the whole university program.

Now, Russell Sharp, the second president, was a graduate of Harvard [University], a literary man, and improved the area of the general subject matter, although he did not change the emphasis of the school. He had good wit and humor, was a very attractive speaker, and he kept the college running effectively during a period of gradual expansion.

Hicke: He was a good administrator?

Heilbron: Yes, he was a good administrator. He was particularly interested in, outside of the university, the accreditation field. He was the chairman of the Western Association of Schools and Colleges, and during his period, we stood very high with the accrediting agency. But this changed a little bit later.

Dr. Butz was a Princeton [University] graduate. He had been vice president of Sacramento State College and had served at San Francisco State, and he was the embodiment of the entrepreneurial spirit. He didn't like the bureaucracy of the academy, although he was dedicated to the principles of the academy. By that I mean that he had the greatest respect for academic life, for the challenges of economic and political theory, but he didn't care too much about the traditional administrative set-up of the institutions, of higher education institutions. Thus, he didn't maintain very good relationships with the accrediting agency.

Hicke: Did he maintain the academic standards of the school?

Heilbron: Oh, yes. I'll get into that. He sensed the flexibility of a private university. If he felt there was a need for instruction in transportation in the Bay Area, he authorized courses to meet the need and graduate degrees to be given in this specialty. Thus any number of MBAs [Master of Business Administration degrees] became subdivided into specific areas. Deans were encouraged to identify and develop programs to meet the interests of local industry, and he was very successful in this. But the idea of giving an MBA, let's say in transportation

because of some short concentration in that degree, didn't sit well with the traditional accreditors.

Hicke: Did this have to do with fund raising, too?

Heilbron: Well, it had to do with attracting students to the institution, particularly those who would be paid for by the interested corporations. It was good marketing. Actually, if you simply removed the particular degree and just called it an MBA, you were doing no harm to anybody, but giving the MBA as though you had done careful concentrated research in this particular area of business or industry in a way was not as precise and correct as it should be. Most of your courses were general management courses, not necessarily in transportation, not necessarily in telecommunications, and so on. Now this has been--

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Hicke: You just started to say this has been corrected?

Heilbron: The degrees have been considerably reduced in the past few years so that the problem raised by this issue is well on its way to solution. But it illustrates that an imaginative approach to marketing increases student body enrollment. One course in transportation an expert in transportation does not make. It may have been two courses, but the standard of instruction was not depreciated.

Take another area. Dr. Butz noted that there was a great military buildup in camps established throughout the country and these presented another opportunity. The army was emphasizing the idea that its soldiers should learn a civilian job or specialty while learning the skills of defense and soldiery, and he entered into agreements with army commanders at the various posts, and some navy and air force installations, establishing degree programs in camps and forts throughout the country.

Hicke: Good for him.

Heilbron: A great many veterans got a head start in civilian life through this program, and I'll talk more about this a little later. The college turned into a university in the seventies, I think, following the lead of many of our public institutions. I think I commented on this development when I dealt with the state colleges and I'll not repeat those statements. Somewhere I learned that if you had three graduate schools, I believe, you were entitled to identify the institution as a university. Be that as it may, Golden Gate did have business, public administration, and law.

The university has an undergraduate division, but its thrust, day and night, is in its graduate programs.

Hicke: Perhaps you are going to get to this later, too, but I know that it attracts many distinguished people who teach part-time.

Heilbron: That is correct. The practical, the real-life issues, are emphasized, rather than the theoretical, in its curriculum. This decision partly derives from the university's origins and partly from the extensive use of adjunct faculty. I think that's what you were referring to. They get very many distinguished people in their part-time faculty. Some 700 practitioners constitute the academic pool for much of the teaching, although I suppose no more than half of them are teaching in any one semester.

It is estimated, nevertheless, that full-time instruction staff teach half of the courses, except in the law school, which is practically entirely full-time, that is, its professors. The question of the resulting education quality is met head-on by the Golden Gate community. What better instruction can you have if your teacher is an interested CEO setting forth the problems, the issues, the solutions, the failures of his experience when dealing with the substantive matters of the subject? How does that instruction compare with the professor's lecture at a traditional university followed by discussion sections led by graduate students? Of course, every adjunct teacher is not an established CEO past or present, but he's had considerable field experience as well as some teaching background. The institution is carried by its adjunct faculty. Take that away and you wouldn't have the kind of institution it is.

Hicke: I've heard the question debated as to whether the art of teaching is more important or whether the science of knowing what you are teaching. Perhaps that depends on who and what age you are teaching.

Heilbron: Well, it brings up the old question of methodology as against substance. I have always felt that in the usual situation the man who knows his subject makes it interesting and the man who does not know it might make it interesting through superficial expression of his talents. But I think there is definitely a place for both. I think that a man must know his subject in order to be an effective teacher, but there are creative methods of teaching, and some people who do know their subject nevertheless are not very able to be interesting, to arouse interest, to appeal to students. So I am not against some methods of teaching. In fact, I felt in many cases that while elementary and secondary teachers probably get an overdose of

method in their training, university teachers practically get none and many see no commitment or obligation to be interesting to their students. [laughter] I felt a little introductory course or two with respect to how to shape a lecture might not be amiss, even among those who know their subjects.

Maybe I should talk about some interesting problems that have come along the way. The law school, for a good period of time, was engaged in public interest law as against traditional subjects--well, not so much against traditional subject matter as interesting students to participate in public interest law after they graduated. For quite some time during that period of expansion, when civil liberties were most attractive to students--

Hicke: The sixties?

Heilbron: --the sixties--they attracted considerable enrollment because of that emphasis.

Hicke: Would you say they differed from other law schools perhaps a bit in that emphasis?

Heilbron: Only perhaps in giving courses and stressing courses in the area. Real estate law is real estate law, whether you are negotiating a lease for a millionaire or trying to get a rental for a disadvantaged person, and the essential courses that make up a law-school curriculum as a professional curriculum are pretty much the same no matter. It just is in some cases you would give one or two more courses in antidiscrimination fields and the labor area than other institutions do.

Now it is quite a traditional school. It has visiting professors who are outstanding in their field. The ABA [American Bar Association] thought perhaps we had too many visiting professors, which cuts down on the need to have tenured professors, but that is a balance that has been worked out.

The school ran into financial difficulties about five years ago or more. In other words, its tuition didn't carry its operations, and it was a fairly serious deficit. So the board had to decide whether to take from the net earnings of the other parts of the university and support the school with a plan for gradually expanding enrollments and making it self-sufficient. I believe we did that to the extent of $5 million. Before the end of the period--it was a five-year period and I don't know whether the figure is correct here, but I know we guaranteed the deficiency for a five-year period--the school righted itself,

and within four years was making ends meet and within five years was developing net earnings. And still does.

Hicke: By raising tuition?

Heilbron: Well, its tuition has always been competitive with other law schools, that is USF [University of San Francisco], Santa Clara [University], McGeorge [Law School], and it simply put more energy into its program and interested more students. It always had more applicants than it admitted; it always had that. But you have to have a certain quality to a law school to have it endure, because if you admit everybody and carry everybody and everybody flunks the bar examination or almost, you are not going to have a law school for very long.

Hicke: No, you will be out of business.

Heilbron: What the law school finally hit upon was to be liberal in its admissions but very strict on its retention after the first year. In other words, give opportunity, but close it down if there isn't obvious potential. They've followed that pretty well although now, within the last few years, they have been able, with their enrollment applications, to maintain fairly high quality in their first-year students as well as in the rest of the school. They don't have this curtailment at the end of the first year, and the law school is doing quite well. As a matter of fact, it has cut down on the total number of students it will accept for the entire law school. That gets reflected in the costs of operating the school, the more students you have. In order to be more certain of its viability, they cut down on the total number in the school at any one time.

The ABA has taken an interest; it's an accredited school. But after the financial issue developed, the ABA said that all net earnings from the law school must be put into its own account and used only for purposes of the law school. If there is a surplus, that surplus simply gets added to it, with the idea that if the time of depression occurs again, as it did five to eight years ago, there will be a cushion to see the school through. And this prevents the rest of the university, no matter what its financial condition, from utilizing the monies developed by the law school.

Hicke: Is this the ABA acting as an accrediting--?

Heilbron: It is the ABA acting as an accrediting body and making it a condition. Of course, the reverse answer of the board to begin with was, "Look, there is a law school because we bailed it out. We used the other people's money in order to do it. Now, if we

meet a problem in the business school, you say that the university can't take funds from another part of the university which at that time is having substantial success?" Well, that's what happens when you have a professional school attached to a general university. Both the AMA [American Medical Association] and the ABA are similar in this respect. They like the idea of being attached to a university so that there is the prestige in the community--it's the Stanford Medical School, the UC Medical School, or similarly the law schools--but they want the professional schools to be as independent as possible.

Hicke: And what do they do? They withhold the accredit?

Heilbron: They can put you on probation until you implement the requirements.

Hicke: Whatever requirements they decide to make?

Heilbron: Well, the requirements are specifically, usually, for the curriculum of the law school, the compensation of the professors, the adequacy of library and the usual elements of accreditation.

Hicke: I guess I didn't realize that the accrediting body had such power.

Heilbron: Accrediting bodies have a great deal of power, and some suspect that maybe there is some abuse of power. The critics of the American Bar Association's position indicate that they are the most effective union for professors, law school professors, that could possibly be imagined, because if you don't pay your law school professors a certain amount, they can't be that good, they can't be that effective. I believe that we almost had to double the salaries of the same professors in order to maintain the ABA accreditation. Now, it may be that some of these professors were doing outside practice to an extent not permitted by ABA regulations when applied to law school teaching, but not too much of that was taking place.

I have been on both sides of this problem. Naturally, we want the best possible law school and so we have to pay competitive prices for our professors, but when I was on the COPA board, I always felt that the ABA was perhaps going too far in cutting the law school off from the university, making it an independent body except for the minimal purposes. It is still an interesting relationship.

The ABA does not oppose the idea that there should be a relationship between the law school and the university; in fact,

I think we don't have enough of it in Golden Gate and probably in many other universities. By that I mean I think that some courses in introductory political science concerning the Constitution probably should be given by the law school professors in the undergraduate field, and there should be more of a free flow of academic relationships between the law school and the rest of the university. I think that the model of such a relationship was symbolized by Justice [Roger] Traynor, the chief justice of the California Supreme Court who got his Ph.D. in political science and his J.D. in law in the same year.

Another area of interest has been the public administration side. When I first came into the Golden Gate program, there were a number of police officers and people from the civil service departments in the city taking courses that would upgrade them in knowledge and effectiveness. That area of public administration fell off for a while; I understand it has revived. To me, there should be great possibilities in public administration.

Hicke: You mean for the school, for the university?

Heilbron: For the university. Here we are, in a presidential election, arguing about how costs should be reduced in government, and in every segment of our governmental operations--city, state, and federal--they say there are too many bureaucrats. Are there? Just what can be done with respect to streamlining the government? Without making any kind of a judgment on it, it may be that research has developed what should be done all over the country through the universities. That is simply not paid attention to by government itself. It may be that government is not as bloated as it is reported to be. It may be that some parts of government are bloated and other parts are terribly under-represented. It just seems to me that the universities should have a partnership here with government that would be beneficial to both. It is a problem that has arisen, and I hope that is the direction that we'll take.

I know that when I was on the state university board, at a very early stage when they were still colleges, the board said that Sacramento State [College] should be the place where the programs of public administration should be developed. It should be in somewhat the same position as [the University of California at] Davis is with respect to agriculture in the graduate field. And now it is, but it took--I don't know how long.

Hicke: They now have that Center for California Studies, but that's fairly recent, maybe five, six, seven years ago?

Heilbron: That's right.

Hicke: And that's what you are referring to?

Heilbron: That's what I'm referring to. Let me see. I would say that it certainly took from twenty-five to thirty years to have it occur, and it wasn't due to anything that I did or the board did. It finally developed within the institution that that's what they should do.

Hicke: Let me just ask a question here. I've talked to people in Sacramento who have tried to set up relationships between the University of California, say, and state legislators or staff of the legislators, and there seems to be a certain amount of suspicion or distrust between the two.

Heilbron: Well, I don't know the story with the University of California and I don't really know the present situation with Sacramento State [University], as there may be that suspicion, too. There is always suspicion when government enters into a partnership with private industry or the education field, because the question is, who is trying to influence whom? Is the university trying to get its position and ideas across to the bureaucracy, or is the bureaucracy trying to utilize the instrument of the university to promote its own interests? Similarly with business; is it going to make the academic more material in attitude to the detriment of creative scholarship?

So these partnerships are always rather difficult, but that doesn't mean that they shouldn't be encouraged and made to work if they can be, because each has a lot to offer the other.

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Heilbron: We'll go to another problem, that is, research.

Any university worth its salt is supposed to have a research program that will keep its curriculum up to current needs. If you have a small, full-time faculty and they have a teaching load of twelve units for the week, and they must in addition attend to counseling, and they must participate in faculty governance, there isn't a great deal of time left for research. However, it is remarkable that the really interested teacher who wants to keep up with his field is able to do research and publish. And I don't mean overpublish. But even a teaching institution requires or needs faculty who keep up with their subjects through essential research. This has been something of a problem at Golden Gate, as it has been in the California State University system.

Hicke: So would the board discuss the requirements for research?

Heilbron: Yes, the board has discussed and has encouraged the effort to obtain grants for particular research projects and also has been willing to authorize release time for a full-time faculty member who engages in research. It's not an insoluble problem, but it is one that exists.

I mentioned that perhaps Golden Gate has had too many degrees, and these are being reduced, have been greatly reduced already. It's all right to have your MBA, for example, showing a concentration in a subject, but nevertheless it should be an MBA. There is some effort to say, "Well, why should an institution of this kind be solely a degree institution? Maybe industry is interested to have the people learn those things that apply to their particular industry. Maybe they are interested in the management aspects of telecommunications and not much else." This particularly is a problem with respect to undergraduate programs. Corporate institutions do not wish to pay for general education.

Hicke: No art history?

Heilbron: They'll pay for what they believe assists them. However, I do hope that there isn't fractionalizing of the university through just spotty concentrations to assist individual companies. It may, however, be part of the wave of the future, as companies cut down on their participation and the amount of tuition they'll pay.

Hicke: So maybe some specialized center or small schools--

Heilbron: Well, what we are talking about is simply non-degree students, that's all we are talking about. That kind of an operation makes it difficult to estimate enrollments, difficult to predict financial needs and requirements, difficult to know what space needs there are.

Golden Gate University first moved into a warehouse during Dr. Sharp's time, which became remodeled into the university building. Then its main campus building on Mission Street was built during Dr. Butz's time, a very fine building. Alan Temko, who does not usually praise architecture in this community, considered it one of the best adaptations of land building use in town. One of the current problems is that the earthquake in 1989 did severe damage to the old warehouse building, and it is costing us a great amount of money to restore and earthquake-proof that building.

With over 40,000 alumni, it is hoped that the endowments will greatly improve. They are now getting older, more successful, more affluent and should support the institution. They do, to some considerable extent, but this commuter school does not have the traditions of the homecoming queen and the football victories and the dormitory life and the tree-lined paths that the traditional institution has. The nostalgia for night school [laughter] is not likely to develop. On the other hand, there are people who can point back to their service and their student days at Golden Gate and who feel a great obligation to the kind of instruction they've had. George Christopher, who was mayor, had that feeling and is most supportive of the university, and Dick Rosenberg, who is president of the Bank of America--

[tape interruption]

Hicke: --Dick Rosenberg, you were saying, is--

Heilbron: --is a very loyal supporter.

One of the most interesting developments is the establishment of branch campuses throughout the state, I think even outside as far as Seattle. These do not give the full complement of courses that the San Francisco campus does but meet the needs of the particular area and are established in places that the great universities of the state don't reach, nor the state university system. I'm talking about Monterey and Contra Costa and San Jose, although that's alongside San Jose State. But even where it's alongside or near an established university, it concentrates in an area that that university, at least at this time, does not cover, or fully cover.

With the budgetary crisis and the cutting down of classes, students increasingly turn to places where they can get the classes they want when they want them. One of the great advantages of an institution like Golden Gate is that its classes are small, and if you have a class of fifteen or twenty in a course that you want at a time you can get it, if you can afford it or get somebody else to pay the tuition, you are perfectly happy. That seems to be the source of enrollment at this time.

Hicke: Do you have a scholarship program that helps out with tuition?

Heilbron: Well, of course we engage with the federal and state scholarship programs, and we have individual scholarships granted by institutions, by individuals, and are constantly promoting scholarships because a scholarship is part of a tuition-driven

institution, whoever pays for it--the student, the parent, the donator.

Most of the problems that I have been talking about, and others, have developed as a result of recent accreditation experiences with the western association.

Beginning in 1986, WASC had warned the university of certain deficiencies, as they saw them, in the operation of the institution. The faculty did not have a basic responsibility for the institution, as they saw it. The board was not sufficiently involved in the operations of the university; faculty research was not sufficiently supported; the institution was what they called "market-driven"; the university required development from outside sources to lessen its tuition dependency; there should be more full-time faculty, particularly with respect to supervising the branch campuses, that is, more resident faculty at the branches to assure academic quality; they didn't believe that the adjunct faculty was sufficiently tied into the life of the university; they thought that there wasn't the kind of review of the president each year that there should be.

This started not all at once, all of these items at once, but developed over a period of five years, 1986 to 1991. In '91 the tone of the review by the accrediting agency was hostile and I didn't think consistent with the objectives of accreditation.

Hicke: Are they supposed to be helpful?

Heilbron: They are supposed to be constructively helpful, and it may be that they didn't feel that sufficient--. Well, things had been changing in accordance with warnings previously issued, but not fast enough to satisfy them. And there were certain elements of the faculty who were not happy with the way things were going, and the inspection more or less tied in with one element of the faculty. The president permitted a self-study to be made by the faculty without any real supervision, and so all of the complaints mounted up into quite an unflattering characterization. The result was that the institution was put on probation.

Hicke: What year was this?

Heilbron: This was '91. Dr. Butz resigned, but he had advised previously that he had only stayed to eliminate the problems with respect to accreditation. But since it was going to be quite some time before these things could all be attended to, he thought he had just as well discontinue. Indeed, he said he had planned to do

it previously. Some people questioned that, but nevertheless that's what occurred, and we have a new president by the name of Stauffer, Tom Stauffer, who has had a great deal of experience with accreditation. He came from one of the Houston universities. He had developed strong liaison with the space industry in Houston. He had been the head of the Association of American Colleges and Universities, a well-known educator throughout the country. He has been organizing a complete attack on problems which the accrediting agency has raised.

Now, some of these problems were perfectly legitimate issues. The objection could have been more to the tone, to the way that they were presented than whether they were legitimate questions. So the situation at present appears to be quite under control after all. USF has been put on probation; the University of the Pacific is also on probation. These things occur while an accrediting agency flexes its muscles; so there is nothing really threatening that I see in the situation.

But there is a fundamental problem for both the accrediting agency and the university that has to be resolved. They have standards which are, in many respects, quantitative. You know, your library is adequate if it has got so many books; I don't know how they fit in the computers with the situation or tapes for the situation; you have to have so many full-time professors, and meet other standards. Although they are phrased in terms of quality, they are frequently applied in terms of quantity. At the same time, the accrediting agency believes that the university has an excellent chance to become a kind of a model for specialized institutions in American education, and they recognize that there are special problems related to a university dependent on adjunct faculty, and so on. They are going to have to make some adjustments in their standards, and the university is going to have to make some adjustments in its operations to be certain of its educational quality.

Although, the peculiar part throughout this whole investigation is that there seems to be no questioning of the quality of the education that is being produced. Here is an institution that has never been otherwise than in the black, that has a narrow endowment base, that's true, but its financial assurance comes into question because its endowment is not great and it depends on tuition. Most of the accrediting people come from public agencies, and look what has happened to their financial base. There is practically no existing basis for estimating long-term planning in state institutions. At least there is some basis for private institutions to estimate their long-term needs and what they have to do for the future. So I think that this whole issue with respect to this institution is

going to be resolved beneficially for both accreditation and for the institution. They both need to look differently on the higher education program.

Hicke: I guess I was under somewhat of a misapprehension because I thought that accrediting had only to do with academic standards, but you are saying they reach into other aspects of the operation.

Heilbron: They are primarily academic, but they reach into the financial aspects as well, because how can you assure that your present students will pass through the four years that they plan to pass through if you haven't got the financial background in order to assure that future? They do go into the financial aspects now. How qualified they are to do it may be another question.

Recently, or not so many years ago, I had occasion to borrow money for an institution, a nonprofit agency, and the bank didn't want to take the real estate of the institution as security, because they felt that the last thing they wanted to do publicly was to foreclose on the institution's real estate. It's like a religious institution borrowing money. But they simply looked to see what its income was and how they might expect to be paid from its income. But more than anything else, they gave a line of credit for one year because they looked at the board and they said, "These people on the board are simply not going to let an institution like this go and their reputations go with it." Similarly, part of the financial integrity of Golden Gate are the people who occupy positions of status in the community; how can they afford to let an institution like that down? No matter if they have to go to their own boards or go through all of their contacts in order to deal with the university's problems, they'll do it. So you have to weigh that in the balance and not merely cash on hand.

Hicke: That's an interesting insight also.

Heilbron: It is very difficult to raise money for endowments. Walter Haas, Sr., whom I knew pretty well, was against giving money for endowments. He said, "What you are doing is to take succeeding generations problems and try to absorb them by your own efforts. Let each generation pay its own way." Now, that may be an extreme point of view, and it is a peculiar point of view for the Haases who give everything to everybody, but on the other hand, I think if you analyze their projects, they are all specific. You give $15 million to a building, but that is not money that you draw from for income, that is capital investment.

Hicke: For a specific purpose.

Heilbron: That's right. Yes. Well, I don't know. I'm sure that everybody wants endowments and if it weren't for endowments some of our major universities these days would have collapsed.

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Heilbron: I have no views against endowments except that they are extremely hard to raise at this time.

I think that probably what is interesting about this Golden Gate University is that it raises questions about what the university of the future will be like. This applies to public as well as private universities. The great institutions--the Harvards, the Yales, the Berkeleys, the Michigans--will probably pretty much continue in their present ways. But the small, private, liberal arts college will have tough sledding. The kind of equipment that will be necessary in future institutions will be very expensive.

I don't think we realize what is going to happen with respect to the access to libraries through computers and the access to lectures. You can get the greatest lectures in the world through telecommunications. I'm not sure you will need the spacious plants that you now need if part of education is going to be derived in the home through contacts with your central institution and maybe beyond. At least, plenty of periodicals have discussed this question and indicate to me that there are going to be changes, particularly because of the costs of education that will have to be considered and met. The capital requirements are going to be considerable.

It would be unfortunate, on the other hand, if the liberal arts elements of higher education should suffer on account of this, because even the highest business executives say they prefer a person who has not only his professional background but a general liberal arts background to the person who has only a professional background. As Golden Gate tries to work out what its undergraduate core courses should be, the core programs can't be as extensive as they are in most of our institutions, but what will they be? Economics? Political and social institutions? Some basic science and the scientific method? Ethics? Literature? To what depth has to be determined, but these are some of the core subjects that it seems to me have to be covered for higher education to be as significant as it has been.

The ethics aspect is rather interesting. Law schools have changed considerably in this respect and have an ethics component in many of their courses and in separate courses. Medical education is also reflecting this situation. All of these anti-discrimination statutes have alerted education to this necessity. To continue your bar license, you have to undergo instruction in ethics that you have never gone through before. After all, ethics is a kind of application of the old morality in philosophy. It is revived in a kind of a different form and made specific and taken partly over from religion, but has now become not merely something that's part of core education--but I don't know that this is something so new. The ethical conduct, it would seem to me, was part of the Greek philosophical discourse, an important part of it. It occupied a lot of Socrates' thinking and Plato's *Republic*, so I'm not sure that this is particularly new in concept, but it probably is quite new in application considering the emphases in higher education.

Hicke: Maybe we just lost sight of it for a while?

Heilbron: We lost sight of it for a while, yes. Or it got buried in other courses.

I haven't made any allowance here for multicultural course programs. I would imagine that a somewhat restricted core curriculum at an institution like Golden Gate would have them in its undergraduate area. Its cultural information and discussion would be part of its political and economic classes and its ethics component included rather than have lots of multiplicity of courses giving separate cultural instruction in African, Asian, Indian and so forth. I wouldn't be a bit surprised if there isn't some relaxation of that emphasis, or at least not so much a relaxation of emphasis as a distribution of cultural considerations in all of the areas that it legitimately applies to. The important African literature should be included in literature.

Hicke: Mainstreaming?

Heilbron: Mainstreaming, well, yes. In dealing with social problems the cultural differences between groups have to be noted. In history, the injustices done to certain cultural elements should be part of it. But fractionalizing it, cutting it into segments--I don't know--ghettoizing culture seems to be not the wave of the future.

Well, do you think that's it?

Hicke: That's an encouraging note. But I have one more question: we talked about the University of Phoenix that offers a degree program by video or computer. I think it's an MBA program, actually.

Heilbron: The University of Phoenix operates without any adjunct faculty, I believe, or practically any regular faculty. Maybe it does operate with adjunct faculty.

Hicke: What do you think of that as a possibility for the future?

Heilbron: In the end, the greatest teaching is the teacher and the student over a bench.

Hicke: Interaction, yes.

Heilbron: If you have a television lecture, for example, and you are at home and the phone rings and it is something that you forgot you have to do and you leave the lecture for a while. Then maybe you put it off or put it on hold and come back to it, and it is all coming at you, that is, the information is coming at you from the screen, do you write it down as you would in a classroom? Is there an atmosphere conducive to an academic discipline when you are by yourself? Some people can do it well. Nobody wrote better than Abraham Lincoln, but how many Lincolns are there?

Hicke: As I recall it now, this was a course done by computers so that the lessons were all on your computer, and you communicated with other members of the class and the professor by the computer and modem.

Heilbron: Well, that's different from television. It may be a big thing in the future, although it will be very complicated.

Hicke: Good for special kinds of work, I suppose, and for special people. I think these students were people who worked all day and found it very difficult to drive across town to get to a class.

Heilbron: Well, it is certainly better than not having anything at all. Whether it is the equivalent of a class discussion, I don't know. I would say it is better than a class discussion in a huge class where there is very little discussion and a few people get up and air their particular views. I've often compared the conference meeting over the phone with a meeting that would be held with all of the people around the table. It

accomplishes a great deal and it saves all of that transportation. The question is, is it as good?

Hicke: What is your answer?

Heilbron: Well, my answer is that you can't have the free flow of discussion with only the voices over a distance that you do when you are around the table. You don't see the person, you don't see how the person feels when he is talking, the interaction isn't as good. But, in the net it is maybe better than having people running all over the country to meet for a short time and waste all of the rest of the time in hotels and transportation.

Hicke: What about with a video component?

Heilbron: I think the video component improves it a great deal. It also, I think, produces a little bit of tension. When you are talking and you want to get it all in as best you can, you can stop and start better when the person is opposite you than when he or she is part of a group on a screen. When you are on camera, you may be in a little different situation, but everybody will learn the medium and give a better message.

Hicke: That has interesting implications for the art of negotiation, though, for your special expertise. Could you ever, do you think, negotiate by a conference call like that?

Heilbron: Well, you do a good deal of negotiation over the telephone, now, as it is.

Hicke: That's true.

Heilbron: There are just certain times when face-to-face becomes essential because you can't accomplish it any other way. You do negotiate by letters.

Hicke: That's right, so it is just one more added dimension, I guess.

Heilbron: But I don't think that you can have a court trial with the defendant in one place, the judge in another, and the attorneys arguing in two other places.

Hicke: Now that is an interesting thought. [laughter]

Heilbron: I think that there are certain things that you have to do when you are all present and seeing each other and noting each other.

Hicke: Okay, well, this has been an outstanding overview of Golden Gate University, with lots of information about education in general, so I thank you.

Heilbron: A little bit free-flowing, but maybe we got somewhere.

Hicke: I think so.

KQED Television: Its History

[Interview 14: November 11, 1992] ##

Hicke: The topic for today is KQED, and let's just start with how you got involved and what your official positions were.

Heilbron: I got involved during the fifties with KQED in a nonofficial way, which I will explain later, and in the course of that involvement learned something of the beginnings and the history of the organization.

Hicke: Oh, good. Can you elaborate on that?

Heilbron: Well, in 1951 the Federal Communications Commission (FCC) proposed a rule that would set aside Channel 9 for educational use, and seven school districts outside of San Francisco--not including San Francisco--with Stanford [University] and Mills [College] met to support and implement that rule if possible. The Public School Council was formed and the Bay Area Television Commission started, and they petitioned for such a channel to be established in the Bay Area.

The mover and shaker in this program was Vaughn D. Seidel, who was the supervisor of schools of Alameda County. Now, commercial television generally was not too enthusiastic about the establishment of a public service channel. Probably they didn't know what direction it would take, how much it would possibly interfere with their own programming, and most of them felt--or many of them felt at least--that the public service hours, the so-called pro bono hours, that they were required by the FCC to devote to public service programming were sufficient for the purpose. There was an exception. Phil Lasky of KPIX was quite supportive of the movement and later on actually gave the first transmitter to KQED, that is, KPIX did.

In June of 1952, the Bay Area Education Television Association was incorporated and that became known as BAETA, and

that became the operator of KQED. It had its initial office in Oakland. For some reason Herbert Clish, the superintendent of schools in San Francisco, opposed this project. Whether it was because it originated in Oakland or not, I have no idea. A compromise finally was worked out whereby Clish became the chairman of the board of BAETA and Vaughn Seidel its first president.

Then, lo and behold, BAETA gets notified that school districts can't support the project financially because it will not be devoted strictly to research as required by California law. Thus this board of school district supervisors with this new project in view could not implement it. The theory originally was that it would be self-supporting through producing educational programs that would be given to the schools.

Hicke: And then who would pay for them?

Heilbron: The school districts would pay for the programs.

Hicke: Okay, so they would be leased to the schools or sold to the schools?

Heilbron: It would be sold to the schools. Evidently that was not feasible in the way that they had originally planned it, and it became obvious that a broader participation by the public that could help with the financing was necessary, and that would have to be--well, the scope of education would have to be defined more broadly than the education of school children.

Hicke: Can I just ask if this was a very early instance of public service television or were there others?

Heilbron: This is the beginning of the whole business in the United States.

Hicke: That's what I wanted to get clear.

Heilbron: KQED is in the vanguard of this whole new program which was going to affect everybody, sooner or later.

J. Paul Leonard, the president of San Francisco State, succeeded Clish as chairman of the board in 1955, and I recall going out to see him with Cap [Caspar] Weinberger [then a California assemblyman] with the purpose of developing legislation to authorize the participation by school districts and junior colleges in educational television that had previously been frustrated, as I indicated.

Hicke: Would this be state or national legislation?

Heilbron: This would be state legislation, because it involved state school districts and state junior colleges and state colleges and the university, too, I assume. Weinberger did introduce the legislation, and it was passed, so that it opened a pretty wide door. It opened a wide door to participation, but it still was obvious that if this program was to flourish in any large way, it would require considerable infusion of private money, whether through foundations or individuals. That really was provided by the Ford Foundation. The Ford Foundation was the principal supporter of public television--educational television--throughout the United States, extensively at least from the early fifties through 1975. I believe that their participation nationally was around $289 million, and KQED had a substantial share of this largesse and made possible the development of the station.

By '57, after two years of service, the board was reorganized to reflect the community interests and Fuller Brawner succeeded Leonard as chairman of the board, Brawner is B-R-A-W-N-E-R, and Mortimer Fleishhacker II became the president. These positions, a little later, were modified so that James Day, who had been the manager of the pioneer days of the station, became president of it in 1968 and Fleishhacker became the chairman of the board and he served in that capacity until 1972, or through 1972.

My other participation, before joining the board which I think was in '59, was as the moderator of World Affairs Council's television program, which I may have referred to earlier. We migrated from station to station, and we finally wound up on KQED. I know one of our programs was called "The World of 1980," which was a prediction kind of program, considering that we were doing it in the fifties. [laughter]

Hicke: Now we are looking back on it.

Heilbron: Now we are looking back on it and I'm certain we didn't nearly anticipate the huge ups and downs of what did occur in the interim and by 1980.

Hicke: That would be fun to go back and see again, wouldn't it?

Heilbron: It would. The only thing I can be certain about was that we did not predict that Governor Reagan in 1980 would be president of the United States, because he hadn't yet become the governor of California.

Hicke: That's right.

Heilbron: Of course all kinds of details had to be developed. An incidental one was to adopt the call letters of the station, QED.

Hicke: I have always wondered how they choose those.

Heilbron: Well, Mr. James Day's wife was responsible for these letters, and she took them from the Latin, *quod erat demonstrandum*, meaning "which was to be proved."

Hicke: Of course I have seen that before, but I never connected it.

Heilbron: There is another QED station in the United States, but the claim is that their use of the letters is purely coincidental, not derived from such a legitimate, ancestral source.

Hicke: That is interesting.

Heilbron: I would like to make two other remarks about personnel and then go into a kind of program under several topics that I think are pertinent to this agency. One of them is that James Day, who had been active in the World Affairs Council with respect to the radio program, became the first manager and then president of KQED. He continued in that capacity, I believe, until 1972. At least, he continued for twelve years from the time of appointment. Day was an extraordinary, creative person who became president, after leaving KQED, of NET, which was the National Educational Television station, the predecessor of PBS [Public Broadcasting Service], so they recognized his abilities, and he had demonstrated them.

Another person who came up from Los Angeles--I believe had been employed by a station in Los Angeles--Jonathan Rice, became the program director. Until fairly recently he has been the tie that bound the history of the organization and shares a great deal of the responsibility and credit for the programming of the station. I think that he probably had much more to do with this aspect of the programming locally during the first ten to fifteen years of the activity of the station, because more and more it has developed as part of a network.

Hicke: Are you going to talk about this? Were you involved in the raising of the funds?

Heilbron: Yes, I'll do some talking about funds. I can say that I don't think there has been a time that KQED has not been wanting for financing. It began quite modestly. In 1954 its budget--its

revenues--were $69,500; in 1991 it was spending over $33 million, so there has been an extraordinary growth and some substantial changes in programming and financing, and I will get into that as we go on. The days of operation started out three days a week, and of course it's now around the clock.

The first full-fledged plant was on 4th and Bryant Street in an old warehouse and a place where perhaps most of the nostalgia relating to KQED is centered. It was a terrible place for office operations, studios--I think there were posts in studios that had to be somehow circumvented, and it was in every way a bare-bones operation. But I doubt whether there has ever been a greater exhibition of collegiality and working together--under crowded and unfavorable conditions--and great, almost joy in the operation as there was in those early days. There have been three important moves since that time, and they have just lately opened a new state-of-the-art building on Mariposa Street, but it is the 4th and Bryant Street plant with which I have worked mostly.

Hicke: Are we talking just about the television station now? Did the radio station come along later?

Heilbron: The radio station came along later.

Hicke: Okay.

Heilbron: The heart of the station is its programming, assuming it can be financed, as the heart of all education is its programming, and the rest of it is facilities and equipment and so on. I think the station for many years occupied a rather unique spot in education television because of its creative and somewhat controversial character with reference to some of its programs. It was highly praised by the national press for this rather bold stance.

I would like to give some illustrations of what seems to be the creative side of this programming. They had one show where Edward Teller, who always refused panel participation, agreed to debate Linus Pauling on the testing of the H-bomb [hydrogen bomb]. In '59 Caspar Weinberger began his program of "Profile: Bay Area" where he took the issues that confronted the Bay Area and developed them in very interesting panel discussions. He was the moderator.

Hicke: Did you suggest that?

Heilbron: No, I didn't suggest that. I completed my moderating service for the World Affairs Council in the late 1950s, and I knew he

was interested, and I gave some assistance to the start of the program. He had some extraordinary programs. In 1961, for example, he had a program on homosexuality, which was quite daring for the time. In 1963 he had a program on comparison of Los Angeles and San Francisco and the differences between the two cities, which was quite interesting. About the same time he had a program on whether gun laws should be strengthened.

In '64 he had a program on "Where is Jim Crow?" I believe that was his program, but whether or not it was, it was broadcast and it was a provocative discussion of race problems in the Bay Area. This was followed by a program involving James Baldwin, who described what he saw in San Francisco at Hunter's Point and the Fillmore District from a rather radical point of view, his own. Some viewers and some people on the board thought that it was inflammatory or distorted, but it did represent his opinions and it shook up the community.

There was a program--I don't think this was on "Profile: Bay Area," but there was a program on teenagers, and they frankly discussed sexual morality. Now we are talking about the early sixties here, or the mid-sixties, where the protest generation was having its day, but a lot of the material was quite new to most of the viewers, and it provoked another long board discussion as to whether this kind of program was appropriate for KQED. I believe there was still another family program along the same lines that caused a good deal of concern to some. The important part is, and I was on the board at the time, that the board determined that it would not interfere with its program director's determinations, that the programming was a professional matter and if the board ever got into that detailed administration it was just going to get into a great deal of trouble; it was better to bear the trouble that you would get into by art or errors of your staff than to take on the task of censorship.

Hicke: Is that a way that boards have gone at other public television stations, do you know?

Heilbron: I don't know because the only station that I know about--

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Heilbron: --is this one.

There was an interesting program by Hayakawa on "Language in Thought and Action," a political program where [Richard M.] Nixon versus Brown debated in connection with their respective election campaigns.

Hicke: Pat Brown?

Heilbron: Yes. A program on San Francisco's elderly.

Hicke: It sounds like they covered the spectrum: politics, economics, social issues.

Heilbron: They did, but I emphasize that these are locally produced affairs. They had a program on poetry with Allen Ginsberg and Laurence Ferlinghetti. They were aware of the cultural revolution and had a program in 1968 on that subject.

Hicke: In China, you mean? Is that where you are talking about?

Heilbron: No, it was a cultural revolution in society in California.

Hicke: The flower children type of thing?

Heilbron: Yes, well now I can't recall the contents, but it had to do with the protest generation. As a matter of fact, in the late sixties I participated in one of the panels, because at that time I was still a trustee on the state college board and all of our boards were experiencing a considerable amount of student protest. I don't recall whether I appeared after the San Francisco State strike or not. I know that I would not make such an appearance during negotiations. Hayakawa appeared, however, with respect to the handling of the strike and didn't like the questions; so he walked out in the middle of the program, [laughter] which caused a great deal of comment.

It was amazing during the fifties and early sixties how successful the station had become.

Hicke: In terms of viewer audience?

Heilbron: In terms of recognition and awards. It was named at one time the best pubic education station in the United States, and I think that it is pretty much close to the top even today, although I'm not certain.

Toward the end of the sixties, there was a newspaper strike in San Francisco, and San Francisco had no way of communicating with its citizens except that KQED developed the newspaper of the air. It took on reporters who were on strike and some of the best reporters in town. I remember Jim Benet of the *Chronicle* and I probably could look up others to insert, but the interesting part of the program was that they not only gave the news but they gave some of the circumstances and the causes as they saw them of the news. It was a very much appreciated

service. It gave KQED immediately an identity with all of the people of the city, where it was appealing only to segments previously. I think it probably laid the foundation for its further very large expansion.

Now when the strike was over, the reporters went back to their posts, and they didn't continue with their TV appearances. But a new program substituting for it called "Newsroom" was developed, and the station had to select new people as reporters for this purpose. It too became a very effective and successful one-hour program. Later it was cut down, for financial reasons, to half an hour, but that was one of the financial problems.

Another program that developed was "World Press," moderated by Roger Boas. Now I recall in one of World Affairs Council programs that I had people come in with newspapers from foreign countries and read clips from them and comment on them, and it was only a one-time program. "World Press" was largely developed along the same lines. I don't say that one suggested the other, but certainly the format of Boas' program was more highly developed and the participants were established for the program; they continued from program to program, and they had identities with the viewers. The person who read the French newspapers was always the same person. I remember [Professor] Leslie Lipson from UC [Berkeley] on the British side. Paul Zinner of [UC] Davis did the Russian comment. It was simply the United States as others saw us. "World Press" was purchased by other stations and was quite successful.

In the meantime there were other developments. But before I go into them, (we are still talking about creativity), one of the early projects was the auction over television to raise funds. It became quite a community event, with civic leaders auctioning the contributions from stores and individuals and raising considerable sums. It was a great deal of fun and lasted for about a week I think. I believe it still continues, although there are also pledge nights, which there hadn't been previously.

Hicke: I remember when we moved here I was drafted to go around to local stores and ask them to donate gifts for the auction.

Heilbron: Well, ultimately they got some pretty large gifts. They got sailboats and Gump's was quite generous. When you say 'participate' now that I recall, I did obtain some gifts from Gump's.

Hicke: I can believe it.

Heilbron: And I did some selling, too, which was fun to do.

Hicke: But it was interesting. I live down the Peninsula, and they had this whole network all over the Bay Area to get volunteers to canvass their local stores, and that was just a small part of it. That was just getting the materials to auction.

Heilbron: They had an enormous number of items, enough to keep them going. When a very important item was to be auctioned, the bells rang and the cans were hit and there was a great deal of action that the viewer could see. Now that auction model was followed in other communities, but it was started here and I think was one of the most creative.

Hicke: Do you know whose idea it was?

Heilbron: I think it was Day's.

We had a problem with another station, KCED, Channel 32. This station repeated some of the programs that were on KQED, so that if you missed the program you could catch it later on on KCED. I have in mind particularly McNeil-Lehrer was re-broadcast at ten o'clock I think, and there were other programs. But they also had community interest programs. It was hard to develop community interest programs, and I am talking particularly about minority programs, that would satisfy those people who had direct minority interests that the station was doing all it should in that direction. I presume for close to ten years there was a running battle, and I am talking now about a time that was after I left the board, long after I left the board.

As a matter of fact, the commercial stations became well satisfied with the activities of such local stations, particularly here. At the very beginning, I mentioned KPIX giving the transmitter that was just on the floor below the Top of the Mark [in the Mark Hopkins Hotel] and for some time before the station moved its tower to San Bruno, it broadcast from close to the Top of the Mark, and that transmitter was a gift of KPIX. The equipment and plant with respect to Channel 32 was given by another commercial agency, so there has been a pretty good relationship. One reason, I suppose, is that the burden of providing pro bono programs has been taken off the commercial stations by reason of the existence of PBS. Another reason is that commercial stations on their own have found formats greatly competitive with public service programs. This is a question that perhaps we should give some attention to.

Before doing that and still going with the minority programming, back in the late sixties I recall one of our board meetings at a restaurant in San Francisco being invaded by minority protesters carrying cameras, taking pictures, making rather nasty comments, questioning board members including the president and chairman of the board as to when they were going to give them the time and programming that they deserved, particularly under their own direction. It was part of the general sixties protests; if you wanted to get your point across you occupied the president's office or you went directly to the board meeting and disrupted it. So this is a long story. Maybe I should finish this point by saying that finally the license of KCED was lifted for the minority station and was transferred sometime in '91 to a minority-owned operation.

Hicke: This is for Channel 32?

Heilbron: Yes. That station has had its problems. I understand that six months later it was in considerable financial difficulty. What the status is right now, I don't know. But this is a long-standing issue, and I think that minority programming has had difficulty in developing solely minority programs of interest to their own minority. But that is a story that I really am not equipped to evaluate.

Hicke: How long were you on the board?

Heilbron: I was on the board from '59 to I think '72 or '73.

Hicke: I might even have it here in this.

Heilbron: I recall that I think Mr. Fleishhacker served through '72 and I know he asked me whether I was interested in succeeding him. Not that that would automatically have meant that I would have, but I realized it would be impossible for me to take over that job with the other things that I was doing and be able to practice law. Particularly at the time he left, the dark clouds of financial problems were looming. It was pretty well indicated that the Ford Foundation was phasing out and that fundraising would be a very important part of any chairman's job. So it was sometime around the end of '72 or '74. I don't know. I would think that whatever biographical statement that you've got there would--

Hicke: This is *Who's Who* and it says "Trustee 1966 to '72." So that is a little bit different than--maybe you were something else before '66?

Heilbron: Oh, I'm surprised. I think I made a mistake in giving them '66 because I became a trustee shortly after I became a member of the State Board of Education. My recollection is that it would be around '59. But the '72 is correct.

Hicke: Well, maybe you just gave them the wrong date or they mistook it.

Heilbron: Well, then I failed to correct it.

Hicke: It is up at the top of the second column here.

[tape interruption]

Heilbron: One of the difficult times of the station occurred when the engineers and production people went on strike and it lasted about nineteen weeks.

Hicke: When was this? Just approximately.

Heilbron: I should be able to give that. It was in 1968--oh no, that was the newspaper strike. 1974. The engineers and the production workers. It chiefly was a strike for job security and was vigorously participated in by the newsroom staff, who felt that the newsroom was being phased out and they wanted to be certain of continuing their jobs. They were unable to settle the strike. The station felt that it could not afford to give the kind of security that the strikers wanted, because it would make any adjustment of the labor force so difficult and expensive that the station couldn't bear it. On the other hand, the strikers felt that they had less security at KQED than at commercial stations and they deserved the treatment that commercial stations gave.

After nineteen weeks practically every issue that had been presented at the beginning of the strike went into arbitration, which it could have done at the beginning. I guess one of the forces that persuaded all of the parties to arbitration was Walter Johnson, who became a member of the board, and of course he was completely a labor man. I would say that the strike was lost by the strikers, because it develops that a TV station is largely automatic. Particularly when it has a large-scale input from tapes delivered from national sources, a small staff can continue to operate. The station did not go off the air.

Hicke: Not during the strike? It never went off the air?

Heilbron: No.

Hicke: So the strikers don't have any--

Heilbron: The strikers don't have the leverage that they otherwise might. Now it may be that a more coordinated strike would be effective, but it was a bitter experience for all of the parties.

Hicke: Did you participate in the arbitration?

Heilbron: I did not participate in that. I handled negotiations--after I left the board and even before--on labor contracts, and I didn't have any trouble. But these were later developments.

Hicke: Let me just change the tape here.

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Heilbron: I mentioned that substantial changes were on the way with respect to programming. The network of public television developed such programs as McNeil-Lehrer, Bill Moyers' "A World of Ideas" and "Washington Week in Review" and Louis Rukeyser ["Wall Street Week"], like the commercial stations with their own nightly and special broadcasts. I mean, if you are going to listen to international affairs, you would probably prefer listening to the Secretary of State than to some under-secretary who happens to be traveling to San Francisco and be available on a local panel show. Many of the kinds of programs that were created here have been superseded by national programs or network programs with the very top officials and talent in Washington and with top talent of foreign visitors, so local news programs on international affairs were curtailed. Now to some extent the station has preserved local programming in our own area; "This Week in Northern California" is really the substitute for "Profile: Bay Area."

But criticism began as early as the seventies and I believe continued by some viewers, some of them organized into a kind of "Save KQED" group and who were always striking at the door of authority through advancing candidates for election to the board. The criticism is that other stations somehow are able to develop the capital to produce local programs which then become sold to PBS or PBS authorizes the financing of them. Why shouldn't a station located in such a highly educated cultural area as ours do the same? Why aren't more locally created programs of national interest produced here? I am not in a position to comment in any informed way on the situation. It takes a great deal of money to produce a program, and I can see that to a considerable extent national figures are available in the East that are not available here. However, I think the

station is currently working on the development of some new locally produced programs.

I think most of the viewing audience doesn't care where the programs are produced so long as they are interesting and good. If your whole diet came from programs produced elsewhere but distributed here, I don't think people would care too much. However, a little more representative local creativity would be in order.

Hicke: This may not be quite to the point, but on radio--I don't know about television, but the public radio station makes use for commentary of experts from all over, often from the academic world. If there is something on the news on Yugoslavia, they call up an expert for an interview for a couple of minutes.

Heilbron: That's right. That's for "All Things Considered", isn't it?

Hicke: Even the news in the morning. I hear the news and they frequently call somebody and on the telephone ask them for a one or two minute brief summary of what the expert thinks.

Heilbron: Well, I know that KQED has always been quite proud of its radio operation though, I imagine, economically it is the least draining of any of its operative assets.

Hicke: I do hear segments produced by the radio station here that come through the national distribution. As I said, I don't know about the television.

Heilbron: Well, whether the same procedure--. Let me see. Come to think of it, it seems to me that the commercial stations tend to use local people from the universities to comment as much as KQED does now. I know that Marshall Windmiller is frequently called on from San Francisco State and this is on a local news program.

[tape interruption]

Heilbron: Well, the whole concept of news being entertainment has developed since public television was more or less the source of news and other stations didn't care about the news--the news divisions of the networks were not important until they found out that people really were as interested or more interested in the news than in other areas. So that interest has affected the extent to which local public television can be effective if you are competing with every other news station in the area.

With the broadening of interest in KQED, the effort to make every possible viewer a member--they claim that six out of seven

are riding free and there is always a large number of people to attract to membership--the programming has adapted to many new audiences. I think that public television was perhaps the first to recognize that tennis was a sport that could be accommodated by television as well as almost any other sport. The local tennis tournaments involving Arthur Ashe and others were broadcast, and now, of course, Wimbledon and Flushing Meadows have become prime broadcasting programs for the major commercial atations. So KQED is not the only station broadcasting that kind of event.

In addition, they have broadcast what they consider to be exhibits of cultural interest and history--the American entertainment industry's old films, Lawrence Welk shows, the type of program that the early station would never have thought of broadcasting, because I think they would have believed that it lacked the intellectual content that would attract their viewers. But KQED is now attracting all kinds of audiences and claims that there is a need to recognize their interests in legitimate cultural programs.

Hicke: When did they start getting programs from the BBC? Did they do that all along?

Heilbron: I don't know, but I would imagine that that came in with the development of either NET or PBS. It would be distributed on that kind of a basis. I don't think it would be directly negotiated.

KQED is also partly financed by the magazine *Focus*, which it purchased. It now has sponsors who give a notation of what they do that is very close to commercial advertising. It is not quite advertising, because they ordinarily don't show the picture of the automobile and don't ask you to buy the automobile, but they just show the symbol, let's say of Ford, and they show the symbol of a bank and it is not advertising but it's a contribution the people will recognize and presumably accept and a reminder that these things exist.

Hicke: There again, I don't know about television but on the radio they will say something like "This news broadcast was made possible by GM, makers of blah-blah-blah" and so you are right, that is not really advertising.

Heilbron: And occasionally there is an individual.

Hicke: Oh yes, and foundations, also. Heller, Ehrman has contributed, I know.

Heilbron: Yes. And on the radio there is a law firm that is structured, Thelen, Marrin, [Johnson & Bridges] for quite some time. And individuals, like Mrs. Eccles, have co-sponsored "McNeil-Lehrer." Golden Gate University sponsored "Washington Week in Review," which is an interesting relationship between nonprofit agencies. [laughter] It is almost like public universities going into private fundraising and private universities getting public funding; the lines have become blurred. But I have not heard of any objection or concern from the commercial stations that PBS stations have gone too far. As I say, the commercial stations are relieved of a lot of programs they wouldn't want to put on anyway or couldn't afford to put on. As far as I can see, commercial stations are using commercials up to the hilt. You can barely watch a miniseries which doesn't have as many interruptions in the aggregate as there is a showing of the picture.

But I think KQED tries to maintain some of its traditions. Take the controversial side. Recently they made an effort to televise an execution, the first execution to be held in umpteen years at San Quentin. The court denied their right to televise but permitted reporters to take notes and describe the proceeding. A limited number of reporters were to be admitted. The station claimed that it had no position with reference to the capital punishment issue but did have a position on what they claimed was the people's right to know, or I guess the people's right to see. I have mixed emotions about that, because it seems to me that the people's right to see is now being used by commercial television without almost any temperate effect whatever.

Hicke: There is also the people's right to privacy.

Heilbron: The people's right to privacy, that's right. I can't imagine that the violence and many of the sexual scenes--I can't imagine that they don't have an effect on viewers who watch. The difficulty seems to be to get television to become more responsible, and I guess it is a matter of taste. If the taste of the whole country goes to hell, it will be reflected in television, and television can help cause that effect.

Hicke: That's right. So television is both on the receiving and the giving end of it?

Heilbron: Just as newspapers are too, but I think that the newspapers, apart from the tabloids, seem to be exercising a little more care than commercial TV. I don't think that educational TV has crossed the lines of taste on many occasions. I think that in exploring the subject candidly and in context, if there has been

any offense to some viewers, it is understandable and yet justifiable as required by the context of the subject. I am talking about educational TV.

I guess I am rather a selective viewer and so I think that by and large, public television stations do a pretty good job. I think if you subtracted their contribution, you would lose a good deal. We haven't mentioned the broadcast of operas and ballets and "Masterpiece Theater." If you choose what you are looking at, you can get a pretty good visual diet from television. If you are stupid enough to look at it all of the time, you should get all of the stomachaches that you deserve. [laughter]

Hicke: In the last analysis, the public can vote with its feet or its fingers, or whatever you want to say, by turning it off. They find out that you aren't watching, so that's your vote.

Phi Beta Kappa, Northern California Chapter

Hicke: Okay, well let's switch gears here for a minute. I know you held some office with Phi Beta Kappa. Could you tell me about that?

Heilbron: Well, there is a regional chapter called the Northern California Chapter of Phi Beta Kappa, and I became interested in joining the chapter and for a period led it. The organization met annually for a dinner, a social/cultural event, obtaining some speaker that had something to say about the problems of the culture of the times. It had two functions: it assisted the national organization in admitting new Phi Beta Kappa chapters in a college that applied for the right to have a chapter. It was a question of helping in the evaluation of an institution as to whether or not it merited a chapter of Phi Beta Kappa. Another one was to establish scholarships for new Phi Beta Kappa members that wished to continue their education.

Hicke: I know it is a fundraising body.

Heilbron: Yes. Now the one thing I think I contributed was to establish a teaching award for good teaching. There are plenty of awards for excellent scholarship, but I thought Phi Beta Kappa should demonstrate its interest in university life through this means as well as scholarships for students.

The organization has grown considerably through the years. It has a number of social/cultural events now that would be akin to events sponsored by the California Historical Society. I think that's very pleasant, that people of similar interests who declare their rather serious attitude towards study should get together and enjoy themselves. That doesn't particularly mark the institution. I think what marks it is that they have increased the teacher awards, they have increased the scholarships, and their annual meetings are quite well attended.

Hicke: You said they established criteria for a chapter. What are they? Are they based on the acceptance of the institution? I mean, the standards of the institution?

Heilbron: Well, the criteria are set by the national body, and the national body is the one that admits and makes the decision. The chapter out here simply helps in that evaluation. I don't recall what the specific criteria are. I am sure it has to do with the validity of the institutional program, the strength of the faculty, the kinds of graduates they turn out, and so forth.

Hicke: So it is based on the institutions?

Heilbron: Oh, it is based on the institutions. I think that during my period or around my period, for example, San Francisco State gained its chapter.

Hicke: I have here that you were president in 1972 and '73. And I don't know when you were a member.

Heilbron: Well, I was a member in 1927.

Hicke: Well, of the fraternity, but of the Northern California chapter.

Heilbron: I joined many years after graduation. I think somebody asked me if I would be interested, and I accepted around 1967 or '68.

Hicke: What happened during your tenure as president?

Heilbron: I know that we had two or three universities under consideration during that time, and we also had representatives present at chapter initiations. We gave new graduates a free membership for a year in order to encourage participation in a place where they might meet people of similar interests. And we established the teaching award.

Hicke: Okay.

[tape interruption]

Philanthropy

Hicke: Let us again change gears here a little bit. I would like to ask you to give just a little illustrative anecdote about attitudes toward philanthropy.

Heilbron: Mortimer Fleishhacker--that is, Mortimer II--had an interesting viewpoint with respect to charitable giving. He was asked about an agency for whom he was making an appeal, because some skeptic felt that the agency had not balanced its budget and that it was trying to perform somewhat beyond its resources. His answer was that he felt charitable institutions did their best when they were hungry; when they were pushing against the upper levels of their needs they became--well, it did not reflect adversely upon a charity having trouble to balance its budget, which is the way all of us should operate, but he felt that if a budget reflected a challenge that it was a good thing.

Hicke: You told me before about Walter Haas, Sr., who did not want to provide endowments but give only for present projects. Don't you think those two philosophies sort of fit together? Because if you have a permanent endowment and therefore an assured income, you are not really very hungry.

Heilbron: Yes, I think that is a good observation. I think that is exactly what Mr. Haas meant when he said if your endowment is large enough, somebody in the past is paying for your needs.

Now, I suppose that there are some universities that would disagree with his philosophy [laughter] because perhaps they are able to manage at this time, this somewhat difficult time for higher education, because they do have endowments. Even then they have had to cut down, but what would they have had to cut down if they didn't have these great endowments?

Hicke: Well, any charitable operation would prefer an endowment, I would think.

Heilbron: Of course. I suppose in a way it depends on how the endowment is built. If it is built partly through savings, partly through many contributions, partly through frankly asking for reserve funds at the time that you are asking for general funds, it may be satisfactory.

I am not saying that I agree with that philosophy. I don't know where Harvard or Stanford would be if they didn't have the large endowments that they have. Founders want to erect a living memorial, alumni often want to maintain it.

Hicke: But I suppose that philosophy reflects partly the tendency to get bureaucratic if you have a certain assured income?

Heilbron: Yes.

VIII THE HEILBRON FAMILY

[Interview 15: December 22, 1992] ##

Hicke: I would like to start this afternoon by asking a little bit about Dellie--Delphine, as her full name is. While you were very, very busy all of the time, she was busy, too. Can you tell me about some of the things she was doing?

Heilbron: Well, she was quite a participant in civic and sectarian activities. I think I mentioned to you that we met when teaching Sunday school, and while I was overseas she continued to do teaching, but later on she became interested in various community enterprises. I had been a board member of the Jewish Community Center, and she became one. She was on the Women's Guild of Temple Emanu-el. She was on the Florence Crittenden board.

Hicke: It is for unwed mothers?

Heilbron: Yes, particularly dealing with unwed mothers and children. It still does. She has been on the board of the Jewish Welfare Federation, and she became quite interested in the YWCA [Young Women's Christian Association], particularly their Buchanan Street operation that dealt with the minority population in San Francisco. She became president of that body and then later on succeeded to the presidency of the YWCA in San Francisco and the Bay Area.

She was especially people-oriented. She was extremely successful with various minority groups, and had an interesting time at the YWCA. After all, she was the first Jewish president in this area--I guess in the United States--of a regional organization.

Hicke: You mean of a regional YWCA?

Heilbron: Yes, a regional YWCA.

At the time she was invited, they gave her the oath form that all good YWCA presidents had to take. She agreed with all of the principles of the YWCA or she wouldn't have been in it, but she had to take the oath by her faith as a Christian. [laughter] This she would not do. The local chapter didn't realize that that was in the oath, so they petitioned the national organization for either a waiver or a change, and the determination was made that it should be changed if it was going to be done at all. So Delphine said she was interested in the work of the agency, but the matter should be straightened out.

They invited her back to their convention.

Hicke: Where was that?

Heilbron: In Cleveland. I can't give you the year. She was asked to address about 3,000 delegates on this issue. She had not done much in the way of large-scale public speaking; so this was quite a challenge. She gave her statement. I saw it before she delivered it. It was an excellent statement, among other things I believe showing the Judeo-Christian background of the very principles that they wanted to be adhered to. Well, they gave her a standing ovation and amended the oath. It took a while for the amendment to go through. I think they had a successive convention or two, and still she wouldn't take the commitment until there was this change. My understanding is that it is out of the statements that are required to this day. I haven't reviewed it, but they had something of an article about the matter in a recent YWCA publication.

Hicke: Did she become acting director or whatever?

Heilbron: No, when the time came, she became president.

Hicke: Oh, she just waited until she could take that vow?

Heilbron: Yes. That's right. It was a very interesting episode.

I will say that she has been extremely helpful to me on many occasions. When I was president of the State Board of Education, when we had one of our meetings, I invited all of the members and wives present and college personnel in the Bay Area--some college personnel in the Bay Area--there were about, I think, forty-two or three for dinner. Delphine didn't know more than one or two of them, and she memorized the names of all of them and was able to greet them when they came in.

If I had a major address, she was a great person to try it out with, because she was very frank and critical. As a matter of fact, Rabbi Fine, when he gave his sermons, always said that he looked at Dellie as she sat in the pew, and if she were frowning or in any way skeptical, he knew he was on the wrong track. [laughter]

Hicke: She had quite a responsibility.

Heilbron: She has always been frank and candid and so that is helpful.

Hicke: How long was she president of the YWCA? Do you know?

Heilbron: It was either a two- or three-year term. It was quite a successful term. Of course, whenever there is a final dinner saying good-bye to a president, always very kind things are said, but I felt that they were not only said but meant.

Hicke: Wonderful. Then perhaps you could tell me a little bit about your two boys?

Heilbron: Well, I think we did talk a little bit about their childhood. They also went to Lowell High School, as did Delphine's father, as I did, so it has something of a background.

John was a debater and won a room full of cups. He also played the clarinet in the school orchestra. David was very much interested in athletics and was a very good swimmer and played basketball. As a matter of fact, much later when he went to Oxford [University], he had a chance to play basketball for one of the Oxford colleges and go to Moscow, but he chose marriage instead and did not make that trip.

I think that some of the most pleasurable times were after I came back from the war and we all traveled together, but before I go into that, something else reminds me of the period when I was overseas some twenty-seven months and we wrote frequently. Well, we wrote practically every day to one another, Delphine and I. And I wrote, of course, to the boys on many occasions. She had them feel that their father was on a long vacation--somehow made them feel that I was there with them, so that when I did come back in 1946 close to April, we could carry on, even though they were older by that lapse of time.

Hicke: You weren't a stranger?

Heilbron: No, I wasn't, and I think that was a wonderful achievement of her parental care.

So, when we did get together, we wanted to have some projects together, particularly when they weren't in school. I think our traveling days began in 1948 to 1950. There were a number of centennial programs throughout the state, because the state was nearing its one-hundredth year, and the gold rush had begun in 1848, so there was a spread of a couple of years. We attended the ones in Columbia [State Historic Park] and Monterey and at the San Francisco Presidio. We knew one of the actresses, who was a friend of ours who played several foreign parts, especially Spanish, in the history about California that was developed for the occasion. It was a fun period. I remember panning for gold up in Columbia, which I think they still do, and riding on the old Wells Fargo stagecoach, and they became rather conscious of the fact that they were Californians and that California had a history.

Then I remember in 1951 we went up to Canada. We drove up through Oregon and Washington to Vancouver, left the car and went by train to Banff [National Park] and had a period of time in Banff and Lake Louise and then went over the Columbia Ice Fields to Jasper National Park and came back by Canadian National [Railroad] to Prince Rupert, where we caught a ship to take us to Victoria and to Vancouver. It was a great scenic trip, primarily, although I guess some characteristic may have been revealed when we were in the back of the train--that is when we went to the back observation platform--and there were these splendid Canadian Rockies on each side of us, and John reading a book. [laughter]

Then the next year, in 1952, we revisited Mexico. I say revisited because Dellie and I had gone down there in 1935. We went to Mexico City and Oaxaca, where we had lovely rooms facing the square where the very colorful rugs were hanging or were on a fence. They saw a good deal of picturesque Mexico. The air, I think, was much cleaner then than it is now.

We were in Mexico City for some time. We had an experience in Mexico City that the boys didn't forget. They had just had an election, and the person who had lost the presidency, his backers and adherents, staged a protest in the park across from the hotel, and they were pretty violent. They were shooting rifles, and we were confined to our quarters for about six hours while the shooting went on; so the boys learned a little bit about politics and revolution at an early age. They weren't frightened; in fact, they pressed their noses against the windows to see whatever they could. [laughter] You couldn't see much, I'll say that, although we saw some smoke and gun firing.

From San Francisco, Marin & San Mateo
YWCA Newsletter, Winter 1991

YWCA FAMILY ALBUM

Dellie Heilbron: Leadership for a More Inclusive YWCA

by Betsy York
Director of Development

The joys of summer for Dellie Heilbron began with Camp Milhurst, a YWCA camp in the Chicago area. In 1919, when she was 12, she was volunteering at a YW nursery day school. By 1927, she had moved to California, met her future husband, Louis, and graduated from the University of California at Berkeley with a degree in Economics and a special interest in Social Econ (Social Work).

She began working as a statistician with a local brokerage house, but she also found time to fulfill her interest in social work by serving on the board of community organizations such as the Jewish Community Center and later Florence Crittenton Services. Her love of people kept her busy and involved even while raising her two sons and following her talents as a potter.

The historical context of that time for the YWCA and the city of San Francisco must be understood in order to appreciate the philosophy and position of the YWCA and its impact on volunteers like Dellie.

In the late 40's, her friend Louise Reider asked her to join a special project in which the YWCA was involved in with the YMCA. Louise thought Dellie could bring valuable experience and the right attitude to the project.

According to one account from the early 40's, "The YWCA took leadership in the study of interracial conditions in San Francisco, especially those affecting the Negro residents." The YWCA had adopted a new Interracial Policy providing a more definite practice of inclusiveness in all Association facilities.

After WWII many Japanese-American citizens returned to San Francisco to find that African Americans, Caucasians, and other ethnic groups now lived in the neighborhoods that had once been occupied primarily by Japanese Americans. As a result, many of the former residents felt angry and displaced. The YWCA reached out to the Japanese girls to be involved in programs with girls from other backgrounds.

It was in this atmosphere that Dellie Heilbron renewed her long connection to the YWCA. The Buchanan Street YMCA-YWCA was a unique project dedicated to meet the special needs of the neighborhood. Located in the heart of the Fillmore Street District in a community heavily mixed with peoples of various cultural and racial backgrounds. The staff and Board reflected this diversity.

Dellie became a part of the YWCA Committee working with the Buchanan Street Center. She later moved to a similar position at the YWCA 1830 Sutter Street Center in the Western Addition. She recalls, "It was very interracial. I loved it. You were never asked what you were. You were who you were."

At 1830 Sutter, they began innovative programs to develop leadership and job skills for teens. Dellie served on the Committee of Management as Vice Chair, and then Chair, acting as liaison to the Association Board. She was involved in the organization of the Pearls of the Orient, a program to orient Filipino women to the dominant culture while maintaining and nurturing pride in their own cultural roots. Today, the Pearls are a successful YWCA-affiliated group.

Because of her leadership abilities and long-standing commitment to the vision of the YW, Dellie was asked to be president of the Association in the late 60's. She was about to accept the honor when she happened to see the back of

the membership card, which said in effect that members were, ". . . united in their faith as Christians . . .". Dellie, being Jewish and never realizing that the religious connection was still evident in print if not in spirit, refused the presidency unless the wording was changed.

With the support of Executive Director Lucy Schulte, an effort was launched to adopt a more inclusive and accurate membership statement. They concurred with other YWCA's around the country and found strong support because not only were there active Jewish members, but also Moslems, Buddhists, atheists, and others. In 1964 they brought this issue to the YWCA National Convention in Cleveland.

It took three years but the wording on the membership card was finally changed to a more inclusive statement.

Soon afterwards, Lucy sent Dellie a telegram which read, "Hail to the Chief!", for now she could accept the presidency. Dellie served as the Association's leader from 1967-1969.

Her fond memories of the work of the YWCA have remained a valuable part of her life, Dellie says, because she had such a rewarding experience getting to know all the other volunteers.

Thank you Dellie Heilbron for your time and energy in service to the community and for making the YWCA a more welcoming and unitying organization for all.

Quotes not directly attributed to Dellie Heilbron are from the History of the YWCA in San Francisco (continued) 1930-1953 compiled by Rosalee Venable. ◆

Dellie Heilbron, committed to race harmony, dies at 86

GARTH WOLKOFF
Bulletin Staff

Delphine "Dellie" Heilbron, a spirited member of San Francisco's Jewish social elite who for many decades worked to repair the city's complicated race relations, died on Aug. 21 after a three-year illness. She was 86.

Family and friends described Heilbron this week as an affectionate and demonstrative woman, who approached all areas of her life with equal vigor, from the piano to social service work — even during the painful last years of her life.

"She was a very zestful person," said her son, David Heilbron, an attorney and former president of the San Francisco Bar Association and the California Bar Association. "She made many friends, she'd make friends with anyone she met. She had a way of giving of herself to people that was very captivating."

Her family settled in the Bay Area when her grandmother, Rose Stern Rosenblatt, sailed from New York City through the Panama Canal to San Francisco in the 1850s. Heilbron was born in Chicago, where her father, Byron Rosenblatt, worked and where she was confirmed.

Heilbron's family moved back to San Francisco when she was a teenager. She graduated from Girls High School and then U.C. Berkeley, studying economics, literature and social work.

She met her husband, Louis H. Heilbron, at the university. The two were also Sunday school teachers at Congregation Emanu-El, where Heilbron's grandfather had been on the board of directors in the mid-19th century. They were married at

Photo — Mimi Jacobs

Delphine Heilbron

Emanu-El in 1929, the day after the stock market crash.

"I guess we got married with a good omen," said Louis, still a practicing attorney at the age of 86.

In 1928, when few women worked in the financial markets, Heilbron began managing the statistical department at Sutro and Company, Inc., a San Francisco brokerage. At the time, she also served on the board of directors of the San Francisco Jewish Community Center.

Heilbron left the firm in 1933 to have children, David and John Heilbron, who is currently the U.C. Berkeley executive vice chancellor.

"She and my father were really quite wonderful together," David said this week. "They were a team. They did lots and lots of things together. They read each other's speeches. They were mates in the old-fashioned sense."

After World War II, she began working with the Young Women's Christian Association to integrate whites and African Americans in neighborhoods with Japanese Americans who were interned during the war.

"It was very interracial. I loved it. You were never asked what you were. You were who you were," Heilbron reportedly said of working in the city's Fillmore District and Western Addition neighborhoods, according to Betsy York, development director at the YWCA of San Francisco.

In 1964, the San Francisco YWCA elected Heilbron as its first Jewish president, but she refused the office because of the agency's mission statement, which read: "...united in their faith as Christians..."

That prompted the YWCA's national governing body to change the statement's wording to include people of all religions. From 1967 to 1969, Heilbron served as the local chapter's president.

Golda Kaufman, a longtime friend of Heilbron's, remembers her as an "ardent community worker. I had the impression she would be a wonderful peacemaker. She dealt with people very well. My impression was that even in difficult situations, she had an elevating presence."

Heilbron and Kaufman belonged to a social club they started in 1967 called "Our Crowd West," named after the Stephen Birmingham novel *Our Crowd,* published the same year. Today, as then, the group of Jewish society women me to discuss political and social issues.

At various times in her life, Heilbr served on the board of the directors of t Jewish Welfare Federation (now called t Jewish Community Federation), t SFJCC, the Women's Guild of Congreg tion Emanu-El, and the Jewish Commun ty Centers Association of North America

Sitting in his downtown law office th week, Louis Heilbron said of his wif "She was a very lovely person, she was beautiful person, actually. She made pe ple better knowing her. It was her ebu lient personality."

Memorial services for Heilbron we held yesterday at Congregation Emanu-El

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Jewish Bulletin
September 3, 1993

Hicke: You probably hadn't been that close to a revolution yourself very often.

Heilbron: No, I don't think I had been at all. Well, now wait a minute. I did tell you that I was in Sarajevo when the Archduke got assassinated. I think that was close enough. [laughter]

Hicke: That's right. That was probably even closer.

Heilbron: They were very impressed with Monte Alban. I think it is a Toltec stadium where the ball playing [Tlatchli] took place, and a temple of astronomy. Of course, the Indians were quite advanced in their observation of the planets.

We were at Teotihuacán, too. I recall that Dellie wanted to be sure to see everything. She wanted to see the Pyramid to the Moon as well as the Pyramid to the Sun. So she and John started walking over there, and suddenly people were shouting, and then John noticed that there was a snake or two in the grass. So they came back before visiting the Pyramid of the Moon.

Hicke: Oh, dear. There weren't as many tourists then as there are now, probably.

Heilbron: No, and at that time the ride from Xochimilco was very interesting. We got into the boat and had the usual family tourist picture and enjoyed our lunch as we went down the canal.

At Monte Alban there was an old Indian cemetery. There were trenches that had been dug. I don't know whether it was for further exploration. I remember that we had some discussion where Delphine disagreed with what the boys were saying and they took her up and here was this trench. They said, "This is the place for you, Mom." [laughter]

Hicke: That ends that discussion!

Heilbron: I mention these episodes because I think they developed a desire to see other places, to go to other countries, as part of their essential learning. Certainly they have done a tremendous amount of traveling ever since.

I recall that when David was competing for the Rhodes scholarship as the nominee from Berkeley, he was quite concerned about the kind of tests that the committee would give them. The stories went that somebody might tell an off-color story just to see how they would respond in a social situation of that kind, that they observed table manners as well as academic matters.

He also heard that they tested them at breakfast by giving them soft-boiled eggs and seeing how they broke them and took care of putting them in the egg cup.

Hicke: Oh, yea. The egg comes in the shell like they do in Europe.

Heilbron: That's right. It is the breaking of the shell and so on just to see how they behave in England. That was the assumption, anyway.

So David said he needed some training, and Delphine gave it to him. She took a number of eggs and put them in the boiling water and at the right time took them out and gave them to David to break and pour into a proper cup. It wasn't long before the kitchen was a grand mess. [laughter]

Hicke: He just couldn't get it right?

Heilbron: The eggs were all over the place. David said, "If this is the test, they can have the damn scholarship!" However, he did go to breakfast down in Los Angeles and they offered the candidates eggs cooked to their choice. David was the only one to select boiled eggs and triumphantly they moved no further than the plate. [laughter]

The other interesting part, I think, of that experience--I think both of our sons are quite independent-minded. In David's case, though his father was a lawyer, that didn't necessarily mean that he was going to be a lawyer. As a matter of fact, he may have been an English major; I think he was. He gave some indication of wanting to continue his English studies and possibly go into academic life. At least that was what the Rhodes committee thought when they awarded him the scholarship.

Because he was going over for quite some time and the brothers were quite close, we sent John over with David for a summer in Europe, and they had a most enjoyable time, but when they came to England, John had to get back to the U.S. and David had a few days alone in London.

To occupy his time, at least part of it, he went to the Inns of Court, and he saw trials there and heard the opposing counsel--the barristers--heard the evidence and saw the defendants. He spent two or three days witnessing these scenes, and apparently he felt that law wasn't a bad place after all. He realized that the committee had been told by him that he was greatly interested in literature and that was one of the reasons for wanting to go to Oxford. So he called them up, called them in the United States (I think the headquarters were at

Swarthmore College), and he asked whether it would be in accordance with the terms for him to change the area in which he wanted to read--that's what they call it. They said the scholarship was his, he should do with it as he wished. So he went into the reading of law and, as you know, has become a trial lawyer.

Hicke: Just in the space of two or three days he made that decision?

Heilbron: I think those were the days that were the influential days.

Hicke: But he must have been aware of the possibility?

Heilbron: Well, he had the background. He had done enough debating in high school to satisfy himself, but it was the Inns of Court that became decisive.

Hicke: It is so different from our way of practicing the law. And he is a litigator?

Heilbron: He is a litigator, and he is also an appellate lawyer. He did extremely well. He got a congratulatory first, and that meant he had to go back to Oxford for an extra degree--not that it took any time, but there was a little ceremony in connection with it.

Hicke: He was awarded an extra degree?

Heilbron: No, it was more of an honorary recognition.

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Heilbron: And meanwhile our older son, John, had been married a year before, so we all went over to the wedding of two San Francisco people married in a chapel outside of Oxford. [laughter]

Hicke: She was attending Oxford also?

Heilbron: No, no. His wife was his sweetheart from Lowell.

Hicke: Oh, I see. She went over, too?

Heilbron: Well, she went over to get married. Of course she went over.

Hicke: And everybody else went along?

Heilbron: Actually, Delphine went before I did. I, at that time, had my responsibilities with the board of education and was scheduled to give a commencement address at San Francisco State, so I

remained. Delphine had not been to England before. We had been to Europe five years before. So she went over there for three weeks alone, and David met her, even though it was during examinations.

[tape interruption]

Heilbron: David wrote part of the service, and they selected the remainder. It was a nonsectarian service. He was marrying a non-Jewish girl, and Cantor [Ruben] Rinder from Temple Emanu-El sent part of the service, so it was somewhat of a conglomerate affair.

Hicke: Eclectic?

Heilbron: Eclectic. It was a happening.

Getting back to Delphine, who had gone there three weeks earlier, after she had done her London sightseeing, she went up to Oxford, and she went "pubbing" with David and his friends almost every evening, and she said she was running out of money feeding Oxford. [laughter] But she had a good time.

Then we all gathered. I forget the name of that old Oxford hotel that no longer functions as a hotel, but it went back a great many years. Oh yes, it was the Mitre. The floors were inclined. She had the queen's bedroom, which meant--I don't know--a long walk down a hallway to her own bathroom. As I say, the floor had a grade to it from sinking with the load of centuries. They had their wedding dinner there, too. Then all of us took time to pay a visit to the continent, and they interrupted part of their honeymoon, so that we all met in southern France at Antibes and again in Bellagio in northern Italy on Lake Como. So these were very pleasant times.

Hicke: What is his wife's name?

Heilbron: David's wife's name is Nancy. They have three lovely daughters, Lauren, Sarah, and Ellen. And through my sister, Juliet Krasne (an award volunteer buyer for hospital gift shops), I have a jolly niece, Diane, a former buyer for I. Magnin.

Hicke: And John's wife?

Heilbron: John's wife's name is Pat. Nancy is quite a talented pianist, and when Arthur Fiedler came out on one of his summer concert tours to San Francisco, she played the solo part with the orchestra, with the San Francisco Symphony conducted by Fiedler.

But after a time, she decided that she did not want a career with the piano, and so she has played for pleasure.

Pat--Lucero was her name, Patricia Lucero, John's wife--was from San Diego, and a teacher of art at Acalanes High School in Contra Costa County. She is a painter of abstracts and has done excellent work. I believe John and Patricia met in International House, where they both lived during postgraduate work.

John had faced his own problem of a career choice. He started out to be a physicist, acquiring a master's degree in the subject. But when Professor Tom Kuhn heard him give a paper on Galileo in a graduate seminar, he persuaded him to consider committing himself to the history of science. After weighing the matter, John decided to obtain his doctorate in history and to make his lifetime work in this field.

After he received his doctorate, he spent a year doing research at the Niels Bohr Institute in Copenhagen and then joined the faculty at the University of Pennsylvania and stayed for three years. He was delighted to accept an invitation to become an assistant professor at Berkeley, taking his chances for promotion. Many satisfying and productive years have followed.

He has written a dozen or more books and numerous articles in the field of the history of science; he is a recognized world authority. He has served as professor in the History Department, director of the History of Science Department, director of the History of Science Center, chairman of the Academic Senate, and currently as the Vice Chancellor at UC Berkeley. Among the many honors he has received is an honorary doctorate from the University of Bologna as part of its 800th anniversary celebration. He is a member of the Royal Swedish Academy of Sciences and fellow of the American Academy of Arts and Sciences. Among his best known books are: *The Dilemmas of an Upright Man: Max Planck as Spokesman for German Science*; *Electricity in the 17th and 18th Centuries*; *Lawrence and His Laboratory* (with Robert Seidel); and *Historical Studies in the Theory of Atomic Structure*. His list of publications runs to five pages.

Hicke: Yes, he would be a good candidate for an oral history.

Heilbron: Equally, David has made a great many things happen. He has been president of both the San Francisco and the California state bars, and he has had a lot of high-level trial and appellate experience all over the country. He is a fellow of the

California Academy of Appellate Lawyers and of the American College of Trial Lawyers. He is often called upon to arbitrate; his interest in alternate dispute resolution has resulted in his beoming a director and member of the Executive Board of the American Arbitration Association. He has served as managing partner of his law firm, McCutchen, Doyle, Brown & Enersen.

Best of all, they are good men, good company, and possess good senses of humor, but as you can see they have their own tales to tell, and these I feel certain will prove to be much more interesting than mine.

Hicke: In any case I appreciate the start you have given on their tales. And I'd like to thank you for the time you have devoted to this project.

Heilbron: Thank you. It has been a busy life, often made possible by the use of a seven-day week.

[Post interview editorial note: Delphine R. Heilbron died in August of 1993 and Patricia Heilbron in December of the same year. The memorial services in each instance were moving and memorable.]

Transcribers: Elizabeth Kim and Kian Sandjideh
Final Typist: Shannon Page

Memorial Service
for Delphine R. Heilbron

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At the request of many friends, I have published the eulogies for my beloved Delphine, given by Rabbi Alvin Fine and our sons, John and David, on September 2, 1993 at the Memorial Service in Temple Emanu-El. The sensitivity, beauty and humor of these remembrances celebrate a life fully lived, widely shared.

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Rabbi Alvin I. Fine

To the living —
Death is a wound. Its name is grief.
Its companion is loneliness.
Whenever it comes — whatever its guise,
Even when there are no tears —
Death is a wound.

But death belongs to life —
As night belongs to day
As darkness belongs to light
As shadow belongs to substance —
As the fallen leaf to the tree,
As time to eternity,
So death belongs to life.

Life's meaning is not measured
by how long we live —
It is measured by how much we do
to make life good.

Delphine Heilbron lived her life with a profound understanding that a good and meaningful lifetime just doesn't happen to happen. She had the wisdom to know that one has to devote oneself to whatever human talent it takes to *make* life good and meaningful — for oneself, one's family and one's community. That is certainly no simple or easy task; but Delphine had all the necessary talents, and she devoted her life to *making* life good and meaningful. How nobly and graciously and creatively she did it. For her,

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making the most of life was to help others to make the best of it.

Delphine brought a rich array of talents to the art of living: her intelligence and energy, her determination and optimism, her insight and idealism, her forthrightness and honesty, her cheerfulness and humor, her compassion and love. If things sometimes seemed too much, she intuitively understood the rabbinic teaching: "It is not incumbent upon you to complete the work, but neither are you free to desist from it altogether."

There was no affectation or pretense in her character. She was the same Delphine Heilbron in every part of her life. Whether at the Emanu-El Sisterhood Board or the Florence Crittenton Board. Whether at the Jewish Welfare Federation or as president of the San Francisco YWCA. Whether as a teacher, in earlier years, along with her husband, at the Temple Emanu-El Religious School or, in more recent years, as a member of the Advisory Board of San Francisco State University. In every role and in every endeavor, she was always the same person of unchangeable honesty and integrity. I cherish a personal anecdote that reflects this quality in Delphine's character. After Sabbath morning services, as the congregation came through the reception line, I would learn immediately from Dellie Heilbron whether my sermon was good — or otherwise. She was always warm and friendly, and always candid.

Most precious of all — she who never stopped trying to make life good and meaningful for others, did it superbly as a devoted and loving wife and mother and grandmother. From their days together as students at the University of

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California, the long wonderful lifetime that Delphine and Louis Heilbron created in their marriage and with their family is the greatest fulfillment of her optimism and determination that: Yes, we can make life good and meaningful.

The concluding chapter of the Book of Proverbs in the Bible pays homage to A Woman of Valor. In poetic praise, it describes the qualities and virtues and ideal character of a valorous woman. It is a beautiful tribute. However, words alone do not quite complete the portrait. If you want to fill out the verbal description with a portrait of a woman of valor — just remember Delphine Heilbron.

May her memory be a blessing.

Amen.

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John Heilbron

My mother was a wonderfully rich and complex personality, abounding in energy, full of love and compassion and curiosity, fiery, fearless, inventive. She made friends instantly and everywhere. I am astonished at the number of people at the University, who had met Mother only once or twice, who expressed their condolences to me in ways that showed that she had touched their lives.

Another long suit in my mother's personality is that, as a mother, she was a Jewish mother. Or, perhaps I should say "is" a Jewish mother. For, as the acts of loving kindness we perform are supposed to live on after us, so, too, does the work of the Jewish mother, in her children and their psychiatrists. Mother wielded the instruments of the Jewish mother with great skill and accuracy. She knew when to comfort and indulge, when to be stiff and silent, when to praise and when to cry, and, most effective of all, when to utter those awful words, "I'll tell your father." She ruled us as children without resorting to blows, by wiles and guile, by love and example.

We were brought up in the Jewish tradition, attended Sunday School and Summer Camp. But Mother's concept of religion and service went well beyond Judaism and the Jewish community. She also supported the YWCA and rose to be president of its San Francisco chapter. And so we grew to maturity and confusion with a Jewish mother who ran the Young Women's Christian Association.

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Mother supported honest and effective causes wherever she found them. Unlike Dickens' Mrs. Jellaby, who labored unceasingly in the cause of the natives of some faraway island, while myriads of children, including her own, went hungry and in rags around her, Mother worked hard as a volunteer to alleviate suffering almost at her doorstep. Hence her long-time involvement with the Y and the Florence Crittenton services. 100 105 112 122 129 135

Mother had a genius for friendship. This is scarcely news to you, many of whom were friends of hers for even longer than I. Yes, I, and my brother David, and our wives Pat and Nancy, were not only relatives but also good friends of my parents. The six of us liked to linger over a good meal together and to travel in company. We have been with one another on trips to Europe, to the East Coast and Canada, and within California. Although Mother did not qualify as tour guide, since she never could be persuaded that maps related in any useful way to the ground, she nonetheless often took the lead. Thereby she inculcated two important lessons: you can form close friendships across generations, even with your parents, and it is not necessary to be able to distinguish north from south to know your place in the world. 148 155 163 169 1 6 12 16 20 26 31 34

Mother was an excellent teacher. Because we moved East during the second world war and then back to San Francisco when Father went overseas, my brother and I missed some important bits of grammar school. Among the bits I missed was the multiplication table. In those days, children were expected to be able to multiply up to 12 times 12. Mother taught me, in a week or so, by 41 48 53 57 64 70 77 83 90 96 188 189 196 204 210

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making a game of it. She was very good at numbers, if they did not involve fractions.

She could add up the cost of groceries faster than the cash register, and usually more accurately, since the clerk could make errors punching in the price, and Mother never made mistakes in addition. When she and the cash register disagreed, she would tell the clerk, even if the error were in her favor. And so she made mathematics both a game and a morality play.

Mother's interest in education was requited more than she could reasonably have expected when Father became head of the first Board of Trustees of the California State Colleges. (So well have they done following the line he set forth that recently they have become State Universities.) Like the children of Mme Lafarge, who prattled about the names in her knitting, so our dinner conversations foretold the fates of chancellors and the fortunes of curricula. Mother scarcely complained about the heavy burden of travel and entertainment that Father's educational good works put upon her. She endeared herself to a generation of college presidents.

Of course, Mother was no mere warm and hospitable hostess. She was also an academic leader in her own right. I can well remember at one of her parties her attempt to elucidate the more obscure Oz books, on which she was an authority, to the president of San Francisco State College. He was an Asian and had never mastered L. Frank Baum. A little later, Mother was invited to join the advisory board of the college. Therewith I learned another of Mother's mixed messages: children's stories are a good preparation for

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an administrator of higher education. I have found this lesson particularly useful.

Mother liked the fey and the cockeyed. She loved the operettas of Gilbert and Sullivan, especially the most nonsensical of them all, *Iolanthe*, whose hero, Strephon, was the offspring of a lawyer and a fairy. As his mother liked to say, with a delicate Victorian ellipsis, "He is a fairy down to his waist, but his legs are mortal." His father's dictum, "The law is the true embodiment of everything that's excellent" naturally guided our household. Poor Strephon had the difficulty, which each of us must feel in his or her own way, that only half of him could go through a keyhole. Mother gave us a great fondness for the whimsical and whacky. Two of my greatest pleasures in life are turning on a Gilbert and Sullivan operetta, and turning it off.

Naturally, she liked *The Tempest* best of all Shakespeare's plays. She liked the make-believe with a message, the fantasy and allegory. She sympathized with the sufferings of the unruly American underdog Caliban at the hands of the noble Italian wizard Prospero. After staging a show of his spirit control to impress his future son-in-law, Prospero gave a famous speech that Mother, with her intuition of the essence of things, fully appreciated:

> *....These our actors [Prospero said]*
> *As I foretold you, were all spirits and*
> *Are melted into air, into the air:*
> *And, like the baseless fabric of this vision,*

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The cloud-capp'd towers, the gorgeous palaces,
The solemn temples, the great globe itself,
Yea, all which it inherit, shall dissolve,
And, like this insubstantial pageant faded,
Leave not a rack behind. We are such stuff
As dreams are made on, and our little life
Is rounded with a sleep.

The last lines are not perfectly apt. Mother's life is now rounded in sleep. But it was big and full, not little, and too powerful and effective to be likened to a dream.

Mother had something in common with Prospero. She was very inventive. Those of you who know her pottery will remember the originality of shapes and glazes. No two are alike. She did not want to do the same thing twice and, in any case, she measured more like a cook than a chemist, and her glazes were literally inimitable.

Mother's latest invention was just that, an invention. After she became ill, she noticed that older people who faint are often treated by mouth-to-mouth resuscitation. Ever fastidious, she felt the indignity, not to mention the danger, of the method. What would you do about it? She worked out a mechanical, pneumatic, safe and simple, disposable manual resuscitator. She obtained a patent on this device at the age of 84.

The resuscitator illustrates Mother at her best: perceptive, clever, concerned with the problems of her fellow human beings, determined to improve life in however small a way, and not deterred in the slightest by the fact that she was an

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old woman with no training or experience in any of the arts and sciences usually thought necessary to the inventor of a medical apparatus.

Mother's sufferings during her last months were a great trial to her and to those near her who loved her. We watched as her sense of fun, her perceptiveness, her interest in others, her beautiful spirit, slowly drained away. At last, a week ago last Saturday, she could sing with the Psalmist [8:20-21],

> *[The Lord] delivered me, because he delighted in me.*
> *[He] rewarded me according to my righteousness.*

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David Heilbron

If there is an afterlife, the Lord has a handful here. She had better have a cloud with a view. I don't mean that Mom was a character; she was much too centered for that. But she was a wonderful piece of intricate work: A full-on person, as her granddaughters would put it. Her spirit danced, as one of her granddaughters put it.

She had a great zest for life, she was a true enthusiast, and it was infectious. She had a rich laugh. She laughed from the belly and a good part of the rest of her. She played the piano, by ear, with a sort of disciplined, demonic abandon. She loved to bang out "Alexander's Rag Time Band" and "I'll Be Down to Get You in a Taxi, Honey" and the "Beer Barrel Polka." It was a great joy to listen to her go at it. She was having so much fun doing it, everyone listening to it just had fun, too.

She was gentle. She was good at taking off World War II-vintage non-ouchless bandages — she was of the all-at-once school. And when we were small, she liked to sing the "Owl and the Pussy Cat." It delighted her as much as us, I think. She sang softly. It was nice.

She had a friend from the South who had a big old two-story house. The friend told Mom that when her kids called from the upper story, she'd answer, "Yo motha is on the first floor." That just tickled Mom. She loved telling it, but she never did it. The fact is that she was never on the first floor, or otherwise unavailable, for us or anyone else.

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She was a dedicated, card-carrying, unrepentant, bleeding heart liberal. She felt for the poor, the disadvantaged, the weak — basically anyone whose luck had turned bad. She did not love humanity just in the abstract. She loved people, one by one. She liked to make friends, and she seemed to make friends with almost everyone she met. She gave herself to you. She put herself out there for you. It was almost impossible not to be touched by her.

She had opinions about a lot of things. She held her convictions deeply, and sometimes she was contentious when she expressed them. She was not afraid of conflict. She was proud that her father allegedly belted some hoods who attacked him when he was in his late sixties. She liked to say, "I'll knock your block off," or "I'll give you a klop mit fallah fish." She would sort of chortle when she said it, although whatever she meant by it, the record does not show she ever did it.

John and I had our share of fights growing up. We were more or less the same size, and no one got maimed. I don't remember Mom ever breaking any of them up. She seemed, as I look back on it, content to let us fight it out and work it through. Whatever she did about it, she did it right. John and I are the very best and closest friends to this day. And that's something, because John still isn't all that easy to get along with.

Mom loved words. She was a strict grammarian, a vigilant defender of the language. You couldn't get away without comment with "me and John" went somewhere, or "between you and I," or even "whomever" instead of "whoever," or vice versa, whichever was right.

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She was a voracious, eclectic reader. She got a kick out of mysteries. She read stacks of them, and liked to solve them before the author did. She liked Shakespeare and remembered it. She liked to hear Dad read Browning — he was very good at it. She loved Gilbert & Sullivan. She was particularly fond of the Lord High Executioner, whose list no one would be missed from, and the Captain of the Pinafore, who was never, never sick at sea — well, hardly ever. And she'd sing out "well, hardly ever" with a great, throaty gusto.

She loved *objets d'art* — things. She loved to buy on sale and get a good bargain. Not really so much to save money — she was not tight at all — but just for the sheer hell of it. It was like getting away with something. She had a lovely sense of mischief.

She was, however, scrupulously honest and law-abiding. She was paying Social Security taxes on people who worked in the house before Zoe Baird was in high school. She never bought a drop of black market gas during the war; she just thought it was wrong.

Once when I was about 14, I asked Mom whether she were pretty when she was young — she was in her early forties at the time. Dad, as we all know, is an extraordinarily cool and patient man, but the cosmic imbecility of that remark was too much for him. He said, sort of Gallahad-like — forcefully: "Of course she was beautiful then, she's beautiful now, you dunce." It was better said than that — Dad was speaking, not me — but that was the substance of it. Mom, however, was not Lady Guinevere. She said, "No, Louie, he has other forms of prettiness in mind; I don't fit; that's fine;

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it's exactly as it should be." And she meant it. That ended that. I don't know if it was because she got me out of a jam with Dad or that the clean wisdom of what she said was striking even to me, but that stayed with me. She was often wise. 100 105 112 122 129

Dad and Mom loved each other very much, and it showed. They were pals, lifelong mates in all ways. Louie and Dellie were sort of one word. They planned trips and dinner parties, with a sort of military precision, together. They talked about plays, movies, sermons, and argued about them, and everything else, together. They wrote each other every day during the war. 135 148 155 163 169

Mom kept us a family during the war. She was sometimes a mother away from home to our cousins, too — who are here today. She made us think she was happy, and that all was swell with her. That was something. She was really quite young, she had lost both her parents shortly after Dad went overseas, and she must have been sad and scared for him often. 1 6 12 16 20 26 31

When Dad came back, we drove up to Marysville — there was some kind of Army post up there — to greet him. We had an old jalopy with a rumble seat that Mom bought during the war — I can't believe she let us ride in that seat, but she did. Mom's mood on the way up was excited and ecstatic, and also semi-cool, as in Cool. When we got there, Dad was in the hotel room waiting for her. And when she met him again, she embraced him — we closed in on him, too — and our cup runneth over. 34 41 48 53 57 64 70 77 83 90 96

Mom was not perfect — she couldn't have put up with us if she were. Small things griped her sometimes. Maitre d's and guys who assign hotel 188 189 196 204 210

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rooms were presumed enemies, and the presumption was close to irrebuttable. But she dealt with things that mattered calmly, and she played the big points well. She was proud of us, and made us feel she was. She gave us many gifts. She made us all feel loved.

"The days are not full enough, and the nights are not full enough, and life slips by like a field mouse, not shaking the grass." Ezra Pound wrote that about most of us, but no one could say that about Mom. She shook the grass. She played and laughed and argued and loved in it. She had a full life.

She used to say that her mother used to say: Never do for pleasure what isn't. In the end she was sick, and life was not such a pleasure for her. She said she was ready to go, and she meant it. She said she was ready to meet her maker, and I have no doubt she was.

The Lord has a handful — and a treat — in store. Down here, her spirit dances in us. Peace, Mom.

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Commencement Address
Humboldt State College
June 4, 1961

President Siemens, members of the graduating class and friends:

A little over a year ago I had the pleasure of announcing to a conclave at Humboldt State College that the Master Plan for Higher Education had been enacted into law and that all of us entertained great expectations for its success. Today we are well started on the project of bringing life and meaning to that plan, of translating the resounding words of the statute into practical deed. The Trustees of the California State Colleges and the distinguished Chancellor, recently appointed Dr. Buell Gallagher, assume full responsibility for their operation on July 1st of this year. I can assure you that while one of our purposes is to bring about the same standards of excellence on all of our college campuses and the same efficiency of procedure, we have no desire whatever to impose uniformity of physical appearance or curriculum content. I am confident that we shall make no effort to establish a school of forestry in San Francisco State College or a Department of Oceanography at Fresno State. Each State College will be encouraged, to the fullest extent possible, to retain a distinctive character appropriate to its history, its location and its capacity for service to the community and to the state. There will be nothing quite like Humboldt and its trees.

Indeed, I am persuaded to base my remarks at this Commencement on an idea suggested by these very trees. It is not that the trees are so beautiful, or the groves like so many columns of a cathedral, or that the light filtering through them has the mystic quality of the noblest poetry. Great artists and poets have painted and sung these praises on a thousand canvases and in a thousand books, and I could not hope to emulate them. Moreover, I have a suspicion that you people of this college and this community have heard something about redwood trees before.

So I will not speak further about the trees, but only about part of a tree, a cross section of a tree. You have all seen such cross sections of a great redwood, with its face marked for history. You know what I mean. There will be a tree between 2,000 and 3,000 years old, and various dates will be superimposed on the appropriate annual rings. You can note the size of the tree in the year 323 before the Christian era, 800 after the Christian era, 1066, 1492, 1588, 1620, 1776 and 1914. I will not identify these dates for you because as college graduates I assume you know them all. But no matter how large the tree, very few annual rings are marked. The idea, of course, is to suggest to the viewer: look,

all these things took place and dissolved into history during the life of this single tree. However, a further thought occurred to me in the course of preparing these remarks: suppose that every annual ring from the very beginning of the tree was marked by an important historical event of that year. And suppose that a college graduate knew all of these dates and could identify all of the events — literally thousands of them — by name. Would he be an educated man? Would he have fulfilled the aims of this college?

Certainly he would be the possessor of a unique collection of facts. As a competitor on a television quiz show, an honest one, he might win large prizes. Yet all he would actually know would be bits and pieces of knowledge; he would be like the wandering minstrel in the song — "a thing of shreds and patches"; he would be little more or less than a freak in an intellectual circus.

This suggests a rather interesting question: if you divided your own experience into a sequence of annual rings, and you wanted to mark on those rings the events which were truly significant in your college education, which truly marked your intellectual growth, what would you mark? What *should* you mark? These queries bring us face to face with the aims of a college education.

All students will not score or underline the same achievements. The marks will be lighter or heavier in the case of each student. Let us explore together the nature and purpose of these imaginary marks and see how well we fare.

First of all, there is the matter of knowledge itself. Isolated pieces of knowledge have little value. As for isolated dates, I remember what an English professor of mine once said: "I shall not require any of my students to remember the birth date or the date of death of any author studied in this course because I am satisfied that the two days on which the author did not accomplish anything very much were the day he was born and the day he died." On the other hand, *related* fragments of knowledge have vast importance, and when they form a body of facts and theory which constitute some major division of knowledge, they constitute a discipline. The day that you have acquired a sufficient mastery over a discipline so that you have a grasp of its essentials, so that you perceive its whole outline and understand, at least generally, the relation of its parts — that is a day you can mark upon one of your annual rings. This feeling that you have acquired a body of knowledge, that you know something, is more likely to be held by a student of one of the natural or physical sciences or of engineering than of arts and letters. I am aware that it has been said frequently that the liberal arts graduate is supposed to acquire values other than mere knowledge, that his education is merely the residue of what remains after everything else is forgotten. I do not believe that this evaluation is fair to the liberal arts

curriculum or to the students of liberal arts subjects. The student of English literature who is able to pass a comprehensive test on the works of the principal authors and poets of our language knows something; the student of economics who has studied the various theories and complexities of production and distribution, of the acquisition and the use of wealth, of the joint and separate objectives of management and labor, knows something. The student of history who has studied the movements and the interrelationships of events and peoples over even a few centuries, knows something; and I could extend the list to every liberal arts subject. Such students, if they have taken advantage of their opportunities, also have undergone a discipline, and they are entitled to make their marks. Their knowledge may not be as utilitarian (in the accepted sense) as knowledge in certain of the physical sciences, but if it adds materially to the enjoyment of life, it has its own kind of utility. And if it enables the person who has it to deal more easily and more effectively with his fellowmen than would otherwise be the case, it has a certain utility in the accepted sense — though it requires no such justification.

A second event for marking an appropriate ring is that time when you really began to think. I do not mean about what dress you should wear to the Junior Prom or, in the case of a young man, about whom he should take — although these are problems I would be the last to deprecate — they might have lifelong results. Nor do I mean reviewing your notes and making the best estimate of what your professor will ask in a final examination so that you will be reasonably well prepared to give him back quickly what he has given to you slowly — though this is a technique that can bring results. Rather, I have in mind the time when you first wrestled with an abstract idea or theme, something elusive and hard to grasp, something you relentlessly pursued up and down the corridors of your aching brain until (Eureka!) you pinned it down. And when you finally held it firmly you may have found it — your conception of a truth — comparatively simple. Or the time when, after a considerable intellectual struggle, you discovered interrelationships where previously you thought there were only independent ideas. Or when you reconciled and synthesized several apparently competing ideas until they resulted in a theory or a fragment of philosophy. Thinking is a painful process, and those who know what I am talking about at this moment will have no trouble in their minds' eyes marking some notable instances on their annual rings.

Then there is the matter of being skeptical or critical. I am referring to the skepticism of a Senior, not to that of the Sophomore as caricatured in my college days of the 20's. That Sophomore was inclined to debunk everything. He doubted everyone's motives, in high places or low. He agreed with one of the characters in a play who, when

asked what history would say about an event, exclaimed, "History will lie as usual." He did not believe that any man in politics could be honest. He repudiated the tenets of his religion, and he did not believe that science could provide any worthwhile answers. He was not skeptical; he was negative. He had eaten too much fruit from the lower branches of the tree of knowledge and he had indigestion. But with you graduates it should be different. You know that there are many things true that are not new and many things new that are not true. You also know that many things, new and old, are true. If you have acquired the habit of asking for proof, of demanding that claims or statements, particularly in the field of controversy, be supported or substantiated before you accept them, you are exhibiting a characteristic of a college graduate who has achieved one of the purposes of a college education. Your mind is open to a new idea, but first you must investigate, then weigh the evidence. You just want to be shown.

With this critical attitude you will read your newspapers, you will listen to your radio, you will view your television. (Regarding the latter, you may still find yourself unable to determine which permanent wave will make you permanently beautiful, what kind of unsurpassable car is essential to your happiness, and what dentifrice you must purchase to give you peace of mind.) You will be aware that almost every major newspaper carries varying and often conflicting interpretations of the news. You will question a news article in the light of an editorial; you may question both in the light of a columnist. You will know and discount the bias of national magazines. You will note that it is not always easy to find the truth, but you will seek it before you vote, before you take a position on an issue, before you decide to join or not to join an organization.

There are further qualities which college can give you and which you can mark upon your record. Take the matter of being creative. The time when you thought of a novel approach to your term paper, or developed a new and apparently sound argument which you had not heard before, or performed an experiment in the laboratory for which you had no direction — any of these days was notable. They were important because they helped to establish you as an individual. The liberal arts curriculum particularly has this purpose; it accords with a primary objective of American higher education. In spite of the great numbers attending our colleges in California and elsewhere, we do not want to turn out standard products at the end of an educational assembly line, all neatly and uniformly packaged and stamped with a degree. The more creative a person is, the more likely he or she will exhibit an individual character. Our aim to educate individuals, all a little different, is best achieved by affording full opportunity for the student to develop his creative ability.

Perhaps the most important aim of a college education is to develop reasonable men and women. This quality is something beyond mere logic or skepticism. This is a habit of mind, an overall attitude toward all the problems a person may encounter. It is the greatest attribute of the founding fathers of our Constitution and form of government. They were reasonable men. They developed a constitution and form of government for reasonable men. They argued, debated, compromised as reasonable men. If you have learned that the facts of political and social life are not always easy to ascertain, and that once ascertained the solutions are not always easy to agree upon and once agreed upon, not always easy to implement — and that in matters of social action there are wide areas for adjustment and accommodation without sacrifice of basic principle — you should celebrate your achievement and mark one or all annual rings with it. For what this world needs more than anything else in these troubled days is men of reason. The hysteria of advocates on the extreme left or the extreme right may agitate but will not solve problems. True enough, reason will not convince anyone who refuses to listen to it. In the tense relations between states it is evident that certain countries and leaders do not want to listen to it. In the end, however, the world will either be guided and controlled by reason, or it will blow up. Let the men and women of reason come of age annually with each Commencement in this country. They give the support our nation needs to preserve our ideals and in the struggle for survival; they hold our own ship of state in California on an even keel; on the personal level they will find the best adjustment to daily living.

There is one other mark you should identify on one or more of your annual records. It is the time or times that one of your professors by an anecdote, by a casual remark, possibly by an entire lecture, illuminated a whole field of thought or knowledge which until that time was confusing or obscure. I can recall a number of such instances from my own undergraduate years. Four or five stand out in every detail. I can hear them still after the passage of more than three decades. Before you leave this campus you might do well to fix in your memory such incidents from your own experience representative of the best relationship between teacher and student. When much is forgotten, these episodes will remain.

Now what about your own goals for the future? The rings of your own life experience will continue to grow. What are a few things you may expect to mark upon them?

1. You owe it to yourself to develop your maximum potential. Have you completed your education to accomplish your own goal? If not, go on, continue with your education, complete it, do it when and while you can. Work or borrow if you need to, obtain a grant if you are

eligible — but do it. You will never regret developing and strengthening your talents and proficiencies.

2. Remember that self-development is based on freedom, and that the college is a place for the free expression of ideas. There are always people, some with the best of intentions but with a limited point of view, who, for one reason or another, will exercise pressure to suppress that freedom. Yet that very freedom with its risks of sometimes being ill-advised or abused is the edge which a free society has over a totalitarian in the competition which has become part of our daily life. As graduates, remember and support the academic freedom you wanted your college to have when you were undergraduates.

3. As citizens you have the privilege and responsibility of voting. Anyone who participated in or observed the last presidential election understands that every vote is important; a citizen's vote is a decision of government. Yours should be an informed vote based on a fair analysis and evaluation of issues and candidates. The most powerful symbol of freedom in the world is the American citizen entering the cloistered privacy of his voting booth.

4. Your generation will determine the success of desegregation in schools, in housing and economic opportunity. You will have to overcome the prejudices of the past and the present. If you help solve this problem, each of you by some concrete act, you will be fulfilling the promise and the challenge of your citizenship. Collectively you took a firm step, later confirmed by the trustees, when you determined that you would not engage in any future football games which would involve discrimination against any members of your team.

5. About the cultural level: establish homes where your children hear good speech from you and from those around them, have good books in the house, be selective in your television programs for the family and you will strike some blows for American culture that will be felt.

6. Many of you will be teachers: this is a great calling and your opportunities are immense. In your hands will be the education of future generations of Americans. From a layman's point of view you might remember this — it's the subject that counts, it's the hard core of knowledge that counts, it's developing the critical and creative faculties of your students that counts — and the methods of teaching are simply means to an end. Particularly in junior high and secondary schools the subject is the thing: learn it, know it, teach it, and if you are one of those adventurous souls (and I am afraid this must come after some home experience) who wish to spend some time in teaching and training teachers in underdeveloped countries, we can spare you: the good you can do humanity will more than make up for the inconvenience you may cause us.

7. If you are a science or business major who had to forego the humanities in large part because of curriculum requirements, take some arts courses in graduate school, in adult education, in extension, over TV, if any are available. If you are an arts major who neglected to investigate the world of mathematics and physics, at least take a general course in science from one of the same sources.

8. If you are a foreign student, I hope that you have enjoyed your studies and your life here. If there have been some difficulties, try to help a fellow countryman avoid the same pitfalls. Under any circumstances you should know that we want you to return to your country to do your best for it; to remember that in extending educational opportunity to you we have had nothing to propagandize or sell to you, and have nothing to ask of you except to remember three things:

i. Our ideals here are for a free society stressing the worth of each individual;

ii. We have been making steady progress toward these ideals since 1776; and

iii. These ideals are for all men everywhere.

Many people worry about college students and graduates and the uncertainties you and the rest of us face. I look upon it differently. I think you have almost unlimited goals. You are the first generation that can reach for the moon and actually touch it. To many of you will come the opportunity, in some degree, to participate in the growth of the great State of California; to many the opportunity of developing much further the vast natural resources of this region; to all of you will come the opportunity in some degree to help hold this small planet together; to make it a better place to live for all men; to enjoy and share a richer personal and community life and to help strengthen this country so that its great influence among the nations will effectuate that peace with freedom which is our most cherished goal. There will be many annual rings for you to mark.

I congratulate you on these opportunities and pray that you will make the most of them.

Commencement Address
California State College at Dominguez Hills
June 9, 1967

Chancellor Dumke, President Cain, members of the graduating class and friends:

It is a privilege for me to participate in this particular commencement ceremony, to speak to the first graduating class of the California State College at Dominguez Hills, the newest of our colleges. In the years to come this institution will graduate 40, and later 400, and in about 20 years, 4,000, but there will never be another occasion like this. Now you are four — the pioneers, the beginners of the beginning, destined, we hope, to be the four patriarchs of Dominguez Hills.

When the halls of learning are completed across the way and the auditoria and gymnasia are in place and the courts filled to overflowing with undergraduate fauna and California flora, you will come back to your Alma Mater as venerated alumni of an ancient era. Special pictures will be taken of you for the yearbook, you will be asked how it was in the rough log cabin days when the wild boar and pterodactyls roamed the countryside and cattle grazed on the campus site, you will be prodded to explain how it was possible to learn enough to qualify for a degree in such primitive circumstances, and you will answer with tall tales.

You may or may not tell the future generations of undergraduates some of the unusual advantages you have enjoyed: having the educational facilities under one roof and easily available and taking your instruction under near tutorial conditions. The ratio of students to faculty during the period of your instruction has been about five to one, while the average throughout the State Colleges is approximately 17 to 1. The ratio of library books to enrolled students during the period of your instruction has been 333 to 1, while the general state college average is 30 to 1. Your opportunities for close association with your faculty and quick access to books have been unrivaled and I understand that you have taken due advantage of them.

Some of these special conditions will disappear as the campus is developed. The day will come when your successor students will have to walk substantial distances from class to class, when full-scale athletic fields and equipment will replace your meager facilities of ping-pong and volleyball, when long registration lines and complicated admission procedures will have to be substituted for the simple and more direct procedures now available, when it will take longer to obtain a book or an interview with a professor. But I do hope and indeed I know that

under the wise leadership of your able and resourceful president, Leo Cain, that certain of the unique qualities already evident in this small campus will continue and be augmented.

We have high hopes that the distinguished faculty which has been brought to this campus will in turn recruit men and women of like character and ability to make up the enlarged faculty required to serve the expanded enrollment. We trust that succeeding generations of students will be able to share some of the benefits of the individual attention you have received (as you know, there are plans for a Small College, to be formed within the larger institution, and to be of an experimental nature which will help accomplish this objective).

In many respects it is extraordinary that a college so young has been able to achieve such well-defined purposes and procedures and such a mature educational program. I daresay that thorough planning was one of the fringe benefits of the unusually long period of gestation which gave birth to this college.

I know that the faculty, administration and students are engaged in planning additional unique and important programs. Your concern with bringing the culturally disadvantaged into the academic community, your initial efforts in the urban problems field, as evidenced by a Conference on Urban and Environmental Design to be held under the college auspices next week, show your concern for the community around you. Your efforts to bring the students into more meaningful association in the governance of student and academic affairs — through student participation on faculty committees and vice versa — indicate that this college desires to grow with the times.

But the burden of my remarks this evening will not be directed so much to the unique methods and programs that this college thus far has developed and is planning for the future, with the encouragement of the Trustees and the Chancellor, as it will be to the objectives which this college shares with the other colleges of our system, serving close to 172,000 students.

In substance I would like to talk a few moments about the values of a "liberal education," a phrase in very common use (frequently stated to be the goal of our State Colleges), but rather difficult to define.

A liberal education includes instruction in the liberal arts; there were seven of these in medieval times — grammar (including literature), logic, rhetoric (including law and composition in prose and verse), geometry (actually more in the nature of geography and natural history), arithmetic, music and astronomy. Now we usually refer to the liberal arts as letters and science or allocate them as your three major schools have done. The term liberal education has a long history and meaning. It is more than letters and science. It seeks to develop certain intellectual virtues. As Mark van Doren has said, "The aim of liberal

education is one's own excellence, the perfection of one's own intellectual character" — so that one is educated "not merely to know, but also and indeed chiefly, to be."

A liberally educated man has achieved a large measure of objectivity; a habit of thinking; an appreciation that substance and good form usually go together; a state of mind that reflects more of idealism than of cynicism and a deep concern that if any factor in a problem is more important than any other, it is the human element. Although true liberal education deals with relatively exact subject matter (mathematics and the sciences) as well as subjects more usually considered inexact, the popular meaning of "liberal" has always emphasized the inexact or uncertain areas and, in particular, has opposed the subject matter of a liberal education to technology.

There was a time after Sputnik when the idea of a liberal education, in this narrow and conventional sense, was under serious criticism. The feeling was rife that American education had neglected technology and the exact sciences and that we were providing a 19th century education which was wholly inadequate to meet 20th century problems.

Unquestionably it was advisable to stimulate an interest in the sciences and in mathematics from the grade schools up. But it was soon recognized that what we required was coexistence between the sciences and the other areas of learning and not the substitution of one set of requirements for the other; actually, we needed to restore the unity of the "liberal arts." As I have mentioned previously, your college has recognized very well the interdependence of the principal fields of knowledge.

We now understand that the decisions on the most important problems affecting our daily lives will be made either by broad-gauged men trained in the liberal arts (in the broad traditional sense) and stressing the human element or narrow-gauged men trained technically or without much respect to them.

This is a most important matter. The ability to produce, to build, to publish, to make weapons, to manufacture quantity, does not assure quality or progress. It makes a great deal of difference to know in whose hands the control of modern techniques is delivered and for what purposes. Whether science and technology will improve society depends greatly on the kind of people who are the leaders of that society. The world stands a better chance if men and women of liberal education have their (reluctant) fingers on the triggers, their hands on the budgets, their direction of mass media, their guidance of education itself. The liberally educated man is more inclined to put the human element first in the determination of problems, more likely to entertain divergent points of view, more concerned to be reasonable in making decisions.

This does not mean that the man principally educated in the liberal arts, other than science, is not the product of discipline. Humanities and the fine arts and the social and behavorial sciences are less exact than the sciences per se, but in recent years the sciences themselves have discovered that in many of their most fundamental assumptions they have had to make adjustments; *they* have not been exact. Perhaps what the sciences have done for the less exact liberal arts in recent years is to make them more conscious of their own formal requirements, of their own disciplinary needs. There seems to be no question but that the college classroom, whatever the subject, has become a harder test and a more sophisticated experience than it was in my own generation.

The academic dialogue in the classroom has a number of distinctive attributes. It is free ranging, it is unhurried, it is unafraid. Yet, it seeks to be pertinent to the issues discussed, and opinions are usually responsible since they are subject to comment and criticism from professor and student alike. It is expected that the discussion be of such form and substance that it is relevant to a discipline.

In a small college such as this you would find it somewhat ludicrous to leave your classroom building and suddenly find yourselves involved in discussions and actions almost entirely contrary to the discussions which you had just left. In other words, if the main interest, as soon as you were out of the classroom, was to seek to hear speakers from off campus who were irresponsibly extreme and if they were expected to ignore most of the criteria of fact, reason, and good taste that are assumed in the classroom, you would be participating in a kind of slum intellectual project which many of you would find distasteful. This is what is happening on a number of the larger campuses in America.

In addition, on some of the larger campuses we find students engaged in extracurricular activities of two kinds — activist and escapist. The activists are usually involved in supporting or opposing some local, national or political program. Such participation and commitment are often commendable and, indeed, essential, but on occasion groups of students engage in political or social action which, in substance or form, is far out from reasonableness. A complex problem becomes simplified out of all context; mass action and demonstration become the substitute for responsible argument and discussion. Slogans are substituted for sentences, shouts for thoughts. Regular channels which are provided for protest are ignored. It is hard to reconcile a liberal education with this kind of activity.

I have in mind an incident which occurred in one of our own colleges when a president was being inaugurated. A small group of students with picket signs, some of them personally insulting to the college leadership, entered the stadium where the ceremony was held. The subject of most of the signs was a protest against the present college policy of sending a

student's academic rank, at his request, to the Selective Service Board. The pickets waved their signs during the ceremony, they occupied a position on the commons between the stadium audience and the speakers' platform, and from time to time they yelled their demands that class rank be ended instantly, which apparently meant that the ceremonies should be interrupted while the petition of the pickets was granted.

Unquestionably there are certain questions about draft procedure which are serious questions of policy and upon which students, as the individuals directly concerned, have every right to express their views. But when this group conducted itself as it did — at the time and place and in the manner described — it violated a number of important academic precepts and freedoms. In the first place, the inaugural was part of the educational program; it was a ceremony symbolizing the dedication of the college to the objectives of higher education and to the classroom ideals to which reference has previously been made. This group of young people was perfectly willing to interfere with the right of the vast majority to hear and learn so long as it exercised its own right of freedom of speech. It sought at a ceremonial occasion for a solution that was at the moment patently impossible, namely, an instantaneous remedy in a disputed cause. It substituted insult for argument in many of its signs. It was a negation of higher education. No campus should dissolve its self-respect to such a degree of permissiveness that it allows such conduct to take place. I am not suggesting that student forums or protests should refrain from the consideration of the most controversial issues, I am not passing on the merits of the case, but I am saying that standards of responsibility, procedure and good taste must apply to the argument.

Another example of negation is student escapism. There is a minority of students on American campuses who retire into a world of drugs and dreams to evade the realities of the academic world and the world outside. In their way, they seek a kind of instant happiness and a surcease from the pain of disciplined thinking. Instead of seeking to be or become, they want to lose themselves. They too seem to have turned their backs on the values of a liberal education.

However, I have the very optimistic conviction that the leaders and faculty of this college are so ordering its affairs that the students here, as the college grows, will remain faithful to their liberal education commitments. You seem to be appropriately sensitive to the values to be obtained by in-depth learning, by keeping your minds and curricula open to experimentation, by bringing teacher and student together in a close and constructive association, by involving students in the actual social problems of the community around them, by keeping genuinely

busy — and thus should be able to avoid the pitfalls that some older institutions have fallen into.

Unfortunately for the vast numbers of undergraduates throughout the land and for all of us, there is at this hour more to consider than the normal expectancies of peaceful pursuit. Within the past few days the dark clouds of a widening war hung heavy over this disturbed and angry world. The times were out of joint and the mood was one of worry and uncertainty. In the midst of this current crisis when survival itself threatened to become an issue, some of our other concerns seemed trivial: long hair, short skirts, objectionable words and signs. It is not that we wished to discount our other important and pressing problems: the elimination of poverty and political and economic discrimination at home, help to the have-not nations abroad, the settlement of Vietnam. It was simply that the outbreak of bitter hostilities in another part of the world directly involving our interests and commitments placed our true problems in perspective. No problem has meaning if we do not survive to meet it.

The greatest instruments for the achievement of peace and remedy of wrongs are those which have been placed in your hands: moderation and reason, the disciplined, humane voice of a liberal education. At this hour we pray that the leadership of the victor and the vanquished, and of the United States and of the United Nations, will use these very same instruments to establish the conditions of a constructive peace. One of our most difficult problems stems from the fact that the values which we have learned, in the hardest way, to believe vital are not the same values which seem to control the thoughts and actions of all nations. This does not make our mission impossible, but it certainly complicates it.

We can assume only that the values of which I have spoken will be vindicated and that a somewhat tormented but relatively intact world will be handed over to your generation to struggle with, to serve, to govern and to improve. In assuming your responsibilities you might remember that the values which you have learned here, in this very building, are those that will pull you through when the going gets tough, are the values which constitute the underpinning of a decent, civilized world.

It is a parlous time, but as the young and the strong always say in moments of crisis, it's as good a time as any to begin.

APPENDIX B--Louis H. Heilbron, Family and Childhood

[This section was written by Louis Heilbron in 1995 at the request of the Regional Oral History Office]

Grandparents--Paternal

As previously noted, my paternal grandparents moved West in the early 1880s, settling in Sacramento. My grandfather owned and operated a large market downtown on J Street. My grandmother was a Sachs, one of fourteen children, born in Louisville, Kentucky. Her sister Fanny married Ben Steinman, who became mayor of Sacramento in the 1890s. The families in Sacramento were close--my father Simon and Irving were the children of Louis and Julia; Etta, Lillian, and Irving were the Steinman children. Louis and Julia followed Ben and Fanny to San Francisco in April of 1906; indeed they bought and furnished a house in the downtown area below Van Ness Avenue four days before the earthquake and fire of 1906, which completely destroyed it. They spent the rest of their lives in two residential hotels a half block apart--the Bristol and the Normandie--on Sutter Street.

Louis was a small man, with a light mustache. He was studious, had a wry sense of humor, and was very caring and attentive to me. Julia was much taller than he, statuesque would be an apt term--she had been a very beautiful young woman--"Queen of the Strawberry Ball" in Louisville, whatever that might have meant. The Congregation Emanu-El Sunday School, which I attended from first year to confirmation, was located on Sutter Street between Van Ness and Franklin Streets, so after Sunday School I would visit my grandparents for about an hour on the way home. Grandpa always gave me a warm welcome. He was not the hugging kind, but he was always interested in what I was doing. Since in Sacramento he had been the lay assistant to the rabbi, taking over if the rabbi was ill, he was particularly interested in asking what, if anything, I learned in Sunday school.

He wanted to give me a good time. He took me across the bay, via the ferry, to Idora Park in Oakland and Neptune Beach in Alameda, two zones of family entertainment and fun. But he couldn't participate in it; he would sit on a bench, give me some coins, and tell me to do as I wanted. I would buy a ticket to the magician's show, ride the roller coaster, eat a hot dog, et cetera, and return in about an hour. I would report, we would talk a bit, and proceed to the gate. Once he invited me to bring a friend along on one of these transbay excursions. We had too noisy a time, grabbing and punching each other, and the experiment was never repeated. On his seventieth birthday my mother gave him a birthday party, and the menu was

headed by a photo of our respective heads, with the bodies drawn in, entitled, "Just a couple of kids." He did try hard.

He would take me to the movies, fall asleep, and when he woke up, he would say, "I think this is where we came in--it's time to go." This was usually fine with me, because I would have seen the full show plus almost half of it again. I told him so. But on one unhappy occasion, he awakened before the film was half shown and insisted we had to go and that I had seen enough, as usually I had. It was quite disappointing and we had a silent ride home.

One memorable year in my childhood was the Panama Pacific International Exposition of 1915. This was a fantasy land that was for real. Our family attended many times, and going down the steep Fillmore Street hills by cable car to reach the Fair was an adventure in itself. The Tower of Jewels surrounded by its for courts and palaces was another world. Three of the tall redwood trees standing outside the Oregon building eventually were transplanted to Lyon Street near Green, where we had our home for close to thirty years, and thus helped preserve some of the memories. My hero was Art Smith, the stunt pilot who took his fragile biplane up into the darkness every night, streaming colored smoke from the back of the plane as he looped the loop and made all kinds of patterns in the sky. My grandfather forged Art's signature in a warm greeting to me on his autobiography and gave it to me for my birthday, and it was only close to the time when I wanted to thank him personally that I learned the truth. I should have known that Art could never have written such beautiful script.

My father had taken up the violin at an early age and had formed his own little quartet or quintet in Sacramento that played at school, weddings, other social functions, and concerts. The family and friends were confident that they had a musical genius among them and sent him to Germany to develop his art. He went to a Dr. Singer's conservatory in Stuttgart for six years (about 1898 to 1904). Attending another conservatory for the piano was Flora Karp, originally from Vienna. They met, fell in love, and were engaged before he left to establish a home in the United States. He brought her over the following year; they were married, and settled in Newark, New Jersey.

Flora had been confronted with a big decision (previously indicated). The impresario who had brought Schumann Heink to the United States asked to bring her. Why she refused is something of a mystery, but the most plausible answer is that she had injured her arm during her last grand recital at the conservatory, an injury that gave her trouble throughout her life.

Simon and Flora opened a studio in Newark. Simon organized and led a symphony in that city and played occasionally in leading New York

orchestras. Flora taught piano. Their prospects were widening when I came along with a health problem that caused them to move to San Francisco and, in effect, join the family.

They were welcomed in music circles and gave several local concerts. Simon continued to teach and to lead or play in orchestras in hotels, theaters, and elsewhere for close to ten years. But my father always felt that, while he was a well-trained and competent musician, he would never attain the top concert level, and so when an opportunity developed to go into business as a partner with Arthur Frank (husband of the former Etta Steinman), he took it and phased out his professional life. (He had had practical experience--he had worked part-time in the San Francisco assessor's office during his musician's days.) The business they started was the Frank Food Co., a food processing company that eventually produced over fifty items, including all the hot dogs sold for a good many years to Seals Stadium.

Mother Flora, I believe, was of a different order. She was a musical genius. She could read and play a concerto for the first time and then play it from memory. My father said that no one anywhere played Chopin better. But for her accident, she might have had a notable career. With the passing of the years, she spent less and less time at the piano. My last recollection of her playing was at a small dinner party for the Monroe Deutches given in our home on Lake Street. She died of cancer at the age of fifty-four in 1934.

The closest friends of my parents were the Frank and Steinman families to whom my father was related. Other very good friends were Marian, Adelaide, and Pansy Lewis. Marian (married name Rose) was a singer (not by profession) and spent many happy hours with my mother at the piano. Adelaide was an ardent supporter of Mills College. Pansy was a close, lifelong friend to me and later to Delphine as well as to my parents.

The Franks had a summer home in Atherton, and Sunday was open house. We frequently visited there for the day, and it was not unusual for the tables in the outdoor area to be set for thirty guests. The Frank daughters, my cousins Bernice, Elinore, and Lucille, and other children were there for me to play with, later to walk, ride, or swim with, plus their swains. These excursions to Atherton continued for many years and included Delphine after our marriage.

My mother became an inveterate bridge player, and that was her main social diversion. She was dexterous and artistic with her needle and made beautiful tablecloths, napkins, and even curtains. She was a loving and devoted mother, supportive when we had problems, over-caring when we had illnesses, who lived and taught family values, inspired achievement, required responsibility.

My father was a hard-working man. He had been schooled in music and missed a formal higher education in other cultural areas, but made up for part of it in reading 18th and 19th century history. He was clear thinking about himself, his abilities and potential, and somewhat skeptical of religious verities, especially immortality. "This is your life, this is all," he said. He lived to be 100, and when asked by a reporter from the *San Francisco Chronicle* about the secret of his longevity, replied, "No exercise." (He was referring to his last few years, but the answer stopped the interviewer in his tracks.)

I do not have many recollections of my mother's family. I was only seven when I met them in Austria in 1914. I am not sure I saw my maternal grandmother; I have a dim recollection of a very old lady. Frieda, one of my mother's sisters and so my aunt, was a buxom, friendly lady. Her husband was an invalid in a wheelchair. I played hopscotch and traded stories (in a unique combination of German and English) with my cousins, Bubbi, Eda, and one other whose name escapes me; they were fun to play with. Mother's other sister, Genya, in Sarajevo was a more worldly, say a more American kind of woman. My father kept up some correspondence with both families between the wars. As far as I know, none was taken to concentration camps before or during World War II, though several died. Eda was reported to have gone to Israel, but our search through the Joint Distribution Committee proved fruitless. Bubbi was a chemist in Rumania, and after World War II my father offered to sponsor and bring him to the United States, but he wrote that he had secured a promising job and declined. (Immediately after the war, when I was in Austria, I had tried to go to Bucharest to locate him, but the army would not grant permission because the city was in the Russian zone, conditions were chaotic, and no one could assure safe transportation to return. Bubbi's letter of declination came in the summer of 1946, after I returned home.)

As for my growing up in San Francisco: it was a good life. I attended Pacific Heights School from the second grade on. Edward Brantsen of the MJB coffee family, much later to become president of the company, was a classmate in the fourth grade and still is a friend. Paul Bissinger, deceased, was a few grades ahead of me, ultimately to become head of Bissinger & Co., a large tanning operation in San Francisco. Paul was most interested in the theater and became the leader and producer of the Temple Players, part of Temple Emanu-El, in the late twenties (but with a city-wide audience) and brought an innovative variety show to the old San Francisco Orpheum a little later. Robert Seller was two grades behind me, but we became good friends on and off the tennis courts beginning in the last of the 'teens.

Tennis became the center of my life from age ten for over five years. I learned to play at the Alta Plaza public courts (near where we lived on Steiner Street). In a few years I played competitively as described in the main oral history. I enjoyed good relations with my many co-players and

competitors--Marty and George Liebes (Liebes Fur Company), Bobby Seller (turned pro for a time and in his senior years has probably the best record nationally in old-timers' tennis), Tom Stow (later coach of Cal tennis and pro at the Silverado Country Club), Cranston Hohman (later a doctor from Stanford), Helen Jacobs (whom I first met playing in Lafayette Park and later played as one of her "sparring partners" before her trips to Wimbledon), and many others. I came to know many of the tennis greats of the Bay Area and, at the time, that meant of the world--the Kinsey brothers (national doubles champions), Bill Johnston (who on hard courts I maintain was better than Bill Tilden), Helen Wills (very casually; she would not remember me), Edward Chandler (intercollegiate champion). I don't mean to imply close relationships with these people, but only to indicate that they were part of my world, and together with my contemporaries had an influence on me. They provided models of courage, fair play, sportsmanship, and, of course, of form, strategy, and technique.

Naturally you learn mostly on your own--what it feels like to fight on in a match when you are tired and down, but still have a chance to win. For the most part the values of athletic competition have been rightly praised, perhaps best in the context of amateur sports.

Recreational Activities

We usually went away for a few weeks in part of the summer--several years to Capitola (near Santa Cruz) with the Franks, their children, Edith Hirsch (later married to Dr. Charles Fletcher), and other friends. The old Capitola Hotel was a rambling, friendly wooden structure, like Paso Robles, Coronado, and the Claremont, not quite as large or fancy. The manager, a Mr. Wood, something of a prankster, let a horse in the lobby to show how welcome an inn he ran, especially for the children. The beach was our playground, but the waves at Capitola were intimidating. We took a house in Palo Alto for a few summers, and that facilitated exchanges with the Franks in Atherton and friends in Los Altos. We spent a summer at Fallen Leaf Lake in the Tahoe area and at a resort in Lake County called Stuperich (spelling doubtful), modeled after a Swiss mountain resort with its separate cottages. By the way, it took us six and a half hours, by ferry, train, and stage (a wheezing bus) to get to Lake County. One could feel away even in Boyes Hot Springs in Sonoma or in Byrom Hot Springs in Contra Costa because of the time it took to get there.

I remember it was about 1920 in Stuperich. Prohibition was in effect, but the resort served wine. My father and another gentleman contrived with a new arrival to have him enter the dining room and shout that everyone was under arrest for violating the law. There were several moments of panic until the ruse was uncovered or discovered, and then there

were toasts all around. The guests realized that Lake County was too far away for the Federals to reach.

I have a sister, Juliet, who is ten years younger than me. As a result we did not come to know each other well until we were both pretty much grown up as adults. When I was about fifteen, my mother had our pictures taken at a photographer's; in one hand I held a tennis racket, with the other I held hers, both of us staring straight ahead, a children's version of Grant Wood's "American Gothic." Juliet was a very pretty child and deserved better. Fortunately, as the years rolled by, the gap closed and a warm relationship developed; now at seventy-eight she holds the racket and does the tennis playing.

My uncle Irving (father's brother) was the store manager of Sherman Clay, its piano and music store in Sacramento. He was a soft-spoken, easygoing man, and when he visited us would hand me a bright fifty-cent piece or a dollar. (This meant something to a youngster in 1915.) Quite some time after our marriage, Delphine and I spent a pleasant weekend with him and his wife, Irene, at a Lake Tahoe resort.

What kind of social life did I have growing up? Well, besides with my tennis friends, Marty Liebes, Bobby Seller, and Frank Dunn, I suppose it was mostly boys and girls with whom I attended Sunday school at Temple Emanu-El. I have looked at the lists of the confirmation classes of 1921 (mine) and 1922. There were about fifty in each class, and I can say that I have had continuing relationships with at least a quarter of them and lifetime relationships with about fourteen of them. I became a law partner with Richard Guggenhime and Frank Sloss, with social ties as well to them and their wives. Helen Joseph married Gilbert Gates (resort operators in Weaverville), Robert Rothschild (architect) married Elizabeth Rosenblatt, a first cousin of Dellie. Florence Sommer (Sommer & Kaufman) married Rafael Sampson, also lifetime friends. Adele Harris married Sidney Kay, the same. Frank Triest became a roommate in college. George Lavison, Frederic Kahn (Sather Gate Bookshop), and Adolph Meyer (accountant, son of Martin Meyer), also fraternity brothers. Even those I was to encounter sporadically, like Esther Ehrman, remained easy to meet. Long after Dellie and I were married, and Esther had married Claude Lazard and lived in ducal splendor in Paris, we were invited to visit with her and Claude when we went to Europe. The disturbing part is to recognize how many of all of them are now deceased.

During my high school period there were many dances, either with suppers or late night snacks given at the major hotels--St. Francis, Fairmont, Palace. (A punch and snack affair at the St. Francis cost seventy-five cents per guest.) Parties of fifty or more were not unusual. Or even previously in grammar school, one would be invited (as many as twenty) to the Orpheum matinee, the vaudeville palace, and then to

Townsend's on Powell for a soda. These events kept the young people of the Reform Jewish community together.

There were public school affairs, too, and at these there was a student mix. I dated a few non-Jewish girls in high school. But mainly social events--Protestant, Catholic, Jewish--were with one's own religious group.

Student activities--newspaper, theater, debating, athletics, service --brought us together from many backgrounds. Jewish children were generally comfortable and secure in San Francisco. There was a strong Jewish component in the city's life from the Gold Rush days on. Reform Jewish families adopted the mores of the general society on some occasions which the rabbis deplored. For example, many participated in Christmas: the shopping, present-giving, and Christmas trees (excluding religious ornamentation). They regarded Christmas as a national holiday, part of the culture, and disregarded the religious connotations and motifs. Parents allowed their children to participate in Easter egg hunts. Yet this participation did not affect observance of their own holidays and rituals or the continuity of the Reform Jewish community.

You ask the question, did religion or Jewish identification present an issue in my young life? The answer is, on one memorable occasion. I was in Emanu-El's confirmation class 1920-1921. I was also a member of the Third Class (youngest) in Mr. Marvin's Golden Gate Park tennis club at the same time and reached the finals of its tournament scheduled to be played on a day that turned out to be Yom Kippur. That day, I knew, I could not and should not play. My mother called Mr. Marvin to explain and ask that the match be rescheduled. Marvin refused, saying he could not recognize religious holidays in relation to athletic contests. So I was defaulted, disappointed but understood that it had to be. But toward the end of the spring, I had another chance. I again competed successfully to the point of the singles final of the same tournament, scheduled to be played--on the Saturday morning, lo and behold, of the dress rehearsal of my Sunday school confirmation class. Rabbi Martin Meyer had made it clear that no excuses whatsoever would be accepted for missing the rehearsal. I had the closing prayer. I knew it thoroughly backwards and forwards; he knew I knew it. I tried to explain the importance of this tournament's cup--the names of former winners Maury McLaughlin and William Johnston were engraved on it, these were the world's all time greats, and the winner would keep the cup. Meyer said it was my choice--chance for the cup or the part. I said tearfully I would play the match. I so much wanted to play; if I didn't, I would always have a bad feeling toward confirmation. So I played, won the cup, and lost the part. The confirmation took place the Saturday after the Saturday of the dress rehearsal. I was confirmed. Shortly after confirmation, Rabbi Meyer took me aside and said, "You know, a rule is a rule, but the incident is over, I want you to join the post-confirmation leadership boys group of the Pathfinders that will meet with me at my

home." We understood each other. I also understood Mr. Marvin, but in a different way; I never believed he was just enforcing a rule requiring play on that day of Yom Kippur.

In short, despite an instance or two, being a Jewish child in San Francisco posed no difficult issue when I was growing up. Not that we weren't conscious that there were social or other limits. You could join the Assembly dance group up to your early teens irrespective of religious differences, but not the social groups beyond. We vaguely knew that Eastern colleges had quotas, that big companies did not have Jewish executives, that the prestigious law firms in San Francisco (other than Heller, Ehrman) rarely employed a Jewish associate. But public school and its activities were quite open, the same was true of Berkeley and Stanford. True, few fraternities at either university would pledge Jewish members, but Jewish students at Berkeley preferred a Jewish fraternity. I joined Zeta Beta Tau because my friends were there. I was "rushed" by a couple of non-Jewish fraternities, with what seriousness I don't know, but it didn't occur to me to be serious about them, because for several years in high school I had been a comfortable guest at ZBT. After joining I found that its fraternity members were just as active in extracurricular affairs on campus as the most active non-Jewish fraternities. We had some exchange dinners with non-Jewish fraternities. Our open houses and parties were pretty much filled with Jewish guests. The future of Jewish communities was pretty much assured by these social considerations.

Now under the nondiscrimination policy of the university at Berkeley, the membership of ZBT, as I last heard about it, was at least 50 percent non-Jewish and Jewish students were members in many, if not most, of the fraternities. In the outside world in the Bay Area, over half of the marriages are interfaith. Acceptance has become the problem for Jewish continuity in America. Integration is the right course for democracy and society, but the erosion of ethnic or religious identity is a matter commanding a great deal of attention from Jewish community leadership and scholars. It is also the subject of a thoughtful and provocative recently published book entitled *Jews and the New American Scene* by Seymour Martin Lipset and Earl Raab.

Perhaps I should add this note. From campus days to the present and through law firm, government, and community activities, I have worked and had close associations with any number of non-Jewish colleagues. I have made lasting friendships among them and they are fully part of my life as I am of theirs--mutual interests in education, world affairs, and California history have developed these relationships. We are at home with one another, personally and socially. People who segregate themselves within their particular ethnic or religious group miss a great deal of the richness of life, in losing the opportunity to enjoy diversity and yet, at the same time, to discover how much their fellow human beings are alike.

As for my model of a live-in college campus, it is one where all students are accommodated in dormitories.

California Monthly
November 1989

FACING THE ISSUE

By Russell Schoch, Editor

An upright man

John Heilbron is a triple-degree alumnus of Cal, an administrator of the division he created on campus—the Office of the History of Science and Technology—and current chairman of Berkeley's Academic Senate. He also is one of the finest historians of science in the business. On page 14 of this issue, Professor Heilbron provides a look at both the history and the future of science.

Heilbron was born in San Francisco, in 1934, and followed the example of his parents—and countless others—by attending Lowell High School and then coming to Berkeley. "It never occurred to me to go any place else," Heilbron says. "I had friends who went to Harvard, I even had friends who went to Stanford—I could never understand that." Heilbron met his wife, Patricia, on campus. "She's a foreigner. From San Diego."

At Cal, Heilbron received his B.A. (1955) and M.A. (1958) in physics and then began Ph.D. work in the subject. But he soon found he was more interested in the history of science than in the actual work of physics. ("I decided this when I was in the middle of my physics calculations; I realized that I didn't care how they came out.") Then he learned that there was a young faculty member in history studying and teaching the history of science. This was Thomas Kuhn, who has been recognized as one of the world's leading historians of science since the publication, in 1962, of his epoch-making book, *The Structure of Scientific Revolutions*. Heilbron became Kuhn's first Ph.D. candidate, completing a dissertation on the history of atomic physics. He says his encounter with Kuhn—and with the history of science—changed his life completely.

Heilbron went next to the University of Pennsylvania, where he set up a new program in the history and philosophy of science. By then, Kuhn had been stolen away by Princeton, and, in 1967, Heilbron was back at Berkeley. In 1973, he founded and became the director of the campus' Office of the History of Science and Technology, which is now located in Stephens Hall.

Why is it important to study the history of science and technology? "There are all kinds of reasons," he says, "but the fundamental one is the reason for studying history. And if you're interested in studying modern history, you have to be interested in studying the history of science and technology, because those endeavors have driven so much of modern history."

The field has changed since Heilbron entered it. "The purely intellectual history of science has declined somewhat, and the interest in science and its place in society has grown. I think that's quite healthy, and my own work has changed quite a bit as a result. I still keep my hand in the intellectual history, but I'm also quite interested in the development of scientific institutions, which is a kind of locus where science as a product meets the social concerns. Ernest O. Lawrence is a fascinating example of this. His notion was that the machine drives the laboratory and that money drives the machine. Also, that there is money out there if only you know how to get it. And he did."

Early next year, UC Press will publish the first of a three-volume biography of Lawrence, written by Heilbron and Robert Seidel, one of his former students.

Heilbron is a prolific writer, author or co-author of 14 books and dozens of articles and book reviews in the field. One of his best-known and most highly regarded books is the 1986 biography, *The Dilemmas of an Upright Man: Max Planck as Spokesman for German Science*. "I was attracted initially to Planck's life as a whole," says Heilbron, "because it encompassed science, politics, and the enormous changes in circumstances in Germany between the turn of the century and World War II. His life was so interesting I figured I'd have to be a real hack to mess it up."

Heilbron's current research includes a look at what he calls "science in the church." A decade ago, while traveling in Italy, Heilbron noticed something quite amazing in a cathedral. It seemed that the

John Heilbron

BENJAMIN AKES

church for centuries had been used as a camera. "There was a hole in the roof—making the church sort of a pin-hole camera—with sun crossings traced on the floor of the church on which a huge brass meridian line had been placed. To see this image of the orange sun on the church floor, shimmering in its heat and moving inexorably toward its rendezvous with the meridian line at a very precise date was very striking. I became interested in why the authorities would allow this in a church."

Back in Berkeley, Heilbron is halfway through his two-year term as chairman of the Academic Senate. Asked why he has taken on this task, he replies: "Berkeley has a tradition of Academic Senate service, and a belief that the senate is important to the governance of the University. I think that's quite true. And I think that one owes a certain amount of service."

A Berkeley colleague sums up John Heilbron's contributions in these words: "What is most striking about Heilbron's scholarly work is its understated virtuosity. He ranges through the whole of modern physics, setting one subject after another in order. And, in addition, he continues to perform superbly as an administrator. I am reminded of his own characterization of Charles Dufay, an 18th-century physicist who also administered the chief botanical gardens of France. Heilbron wrote, 'Dufay responded brilliantly to both challenges. . . ; and we may say of his electrical work as of his botanical, that he transformed a collection of miscellaneous weeds into the first garden of Europe.'"

"Year of Crisis: How the State Bar Survived; San Francisco's David Heilbron is Widely Credited with Saving the Bar," The Recorder, September 12, 1986.

By MONICA BAY
Recorder News Staff

Propped up against a bulging stack of files on the credenza behind David Heilbron's desk is one of those brass placards that you might buy on Fisherman's Wharf. The kind with the "cute" sayings on them — that you might give to a friend as a birthday joke.

After the events of last year, it's not surprising that Heilbron, outgoing president of the State Bar of California, would keep this particular placard well within sight. It reads: *"When you are up to your ass in alligators, it is difficult to remind yourself that your initial objective was to drain the swamp."*

David Heilbron presided over the nation's largest mandatory bar association during a year that has been unanimously declared the most difficult of its 57-year history.

The state bar faced seemingly insurmountable obstacles:

☐ The 1986 bar dues bill was stopped in its tracks by Assembly Minority leader Pat Nolan (R-Glendale), who fervently believes that the bar should be limited to admissions and discipline, and that no other programs should be funded by mandatory dues.

☐ The Legislature, as condition of passage of the eventual 1986 dues bill, demanded that the bar (at its own expense) conduct a mandatory plebiscite of all of the state's lawyers. The questions polled the state's bar members on whether the bar's role should be limited in areas such as attorney discipline, lobbying, the Conference of Delegates, and other activities.

☐ Nolan and several other like-minded lawyers took to the courts to challenge to the bar's use of mandatory fees. The result: an ambiguous appellate ruling in *Keller v. the State Bar* that while basically supportive of the bar, left unclear the extent to which the bar could engage in "political" or "ideological" activities.

☐ In addition to funding battles, the bar faced no less than eight other major legislative assaults, including measures designed to radically change its structure. One bill, by state Senator Robert Presley (D-Riverside), would have stripped the bar of its attorney discipline program. Another measure, by Gerald Felando (R-L.A.) would have removed every reference to the state bar from the state's Constitution.

☐ The bar endured an unprecedented strike by its staff attorneys, and equally unprecedented staff turnovers. Both state bar chief executive officer J. David Ellwanger and a top bar administrator, Bill Dunn, recently announced their resignations. Key employees from the general counsel office, from the discipline staff, and from the bar's monthly magazine, *California Lawyer* also resigned during the year.

Unscathed?

Despite the almost unrelenting year of crisis, the state bar has emerged almost unscathed — and in fact, some observers say, it is now stronger than ever before.

Among the accomplishments cited:

☐ A voluntary dues program, initiated after the 1986 dues freeze, brought in more money, faster, than under normal *mandatory* dues collection.

☐ After the bar had all but abandoned the idea of any dues bill funding in the fiscal year, Assembly Minority Leader Willie Brown orchestrated an urgency bill.

☐ The results of the plebsicite, while critical of the bar's handling of discipline, overwhelming supported the bar's right to oversee the program. The state's lawyers, who responded in surprisingly high numbers, generally supported the bar's current structure and operation.

☐ In what was seen as a positive signal, the state's Supreme Court agreed to review the *Keller* ruling on limiting bar activities.

☐ Heilbron's "henchmen," bar governors Joe Gray and Don Mike Anthony, produced a major overhaul of the bar's discipline system, including the establishment of the nation's first "uniform" punishment standards for discipline violations.

And the backlog of discipline cases finally began to decline: between April and June of '86, the bar's staff reduced the backlog of attorney discipline cases by 25 percent.

☐ The bar's 1987 dues bill passed with relative ease this month. The new bill includes significant increases in monies allocated to discipline and to the bar's Client Security Fund (which reimburses clients who have suffered misappropriation of funds by wayward attorneys).

☐ Major progress was made on proposals to revamp the Rules of Professional Conduct, and to streamline litigation discovery rules.

Hero of the Year?

"When the dust settles, it is clear that the real hero of the year is David Heilbron," said state bar lobbyist Terry Flanigan recently, echoing a sentiment expressed by legislators, fellow board members, and even arch critics of the State Bar of California.

"My impression was that he had one of the roughest years of any recent president of the state bar," said California state Senator Robert Presley (D-Riverside) in an interview with *The Recorder* this week.

"Frankly, I feel that the state bar was ex-

tremely well served by having David Heilbron here (in Sacramento)," said Presley. "From my standpoint, he's a class person — an extremely able advocate, and he comported himself very, very well," he said.

That's high praise from one of the bar's most vocal critics.

Presley said he had "really wanted" to take discipline away from the bar when the Legislature first convened this term. Toward that goal, Presley established a blue ribbon task force, and packed it with law professors, lawyers, non-lawyers, consumers and even state bar governors. Among the members of the task force, which was coordinated by Presley's aide Bob Holmes: Stanford law professor Deborah Rhode, former state bar attorneys Russell Longaway and Philip Martin, bar governor Richard Annotico, poverty law specialist Ralph Abascal, and consumer advocate Robert Gnaizda.

The task force prepared the first drafts of two Presley bar reform bills — SB 1543 and SB 1569. ...e measures proposed sweeping changes of the ...'s very structure. The original version of SB ...alled for removal of attorney discipline ... bar, and the creation of a new state ...ission, to be dominated by non-lawyers.

...sensitive negotiations with legislators defused a legislative scrapnel "bomb" that may have destroyed the state bar.

At a minimum, said Presley, the state bar was in serious jeopardy of losing control of discipline.

"(Heilbron) may have made the difference as to whether or not the discipline system was taken away from the state bar and given to a separate agency," he said.

Presley said he was impressed with the way that Heilbron handled himself as a witness during the numerous hearings held by the Senate Judiciary Committee and other legislative committees. "He impressed almost all the members of the Legislature," Presley said.

Heilbron succeeded in convincing the legislators that he had "the best interests of the bar and the best interests of the people of the state in mind. He wants to do the right thing, the fair thing," Presley said. "(That attitude) just seems to come through."

"After the first hearing or so before the Senate Judiciary Committee, I pretty much came to the conclusion that we would not be able to take discipline away (from the bar)," Presley admitted. "By then I could see the handwriting on the wall..."

Presley said that he and his staff worked closely with Heilbron to hash out the two discipline bills, and that "I agreed, eventually, to give the bar a chance to see if they can do it."

"Heilbron and I met several times. We just sort of came to agreement on all but one issue," Presley explained. That issue was the appointment of an independent "watchdog" monitor to keep an eye on the progress of the bar in cleaning up discipline. Heilbron lost that battle — the final bill passed both houses containing that provision and is now enroute to Gov. Deukmejian's desk.

But if he lost the battle, Heilbron clearly won the war. The compromised Presley measures not only kept discipline within the confines of the state bar, but were far less potent than the original drafts.

Presley said he is "essentially pretty well pleased with the outcome" of the two bills. And even though Presley said he met resistance from members of his task force who did not want see the bar retain its control over discipline, Presley said he came to the conclusion that he should

"give the bar a couple of years to see if they can improve on the discipline process."

But, he said, "It's probably fair to say that if there hadn't been a person of the caliber of Heilbron as president of the bar," that the results may well have been different. "He may have made the difference this year, he's just a guy whom everybody likes, he's sincere, polite, a class person."

While Presley said he did not expect "too much action" on bar issues during the coming term, he hasn't given the state bar a clean bill of health.

"For the next year or so, the Legislature is going to take the position of 'Let's give the bar time to work out its problem,' " he said. "I hope they can make vast improvements."

But if the bar doesn't succeed, Presley said he is "prepared to introduce a bill" to remove discipline once and for all from the State Bar of California.

Bill Lockyer

"I think the bar was in jeopardy; it still is. That danger has been dealt with temporarily, but people should not relax, because the threat is still there," said state Senate Judiciary Committee chair Bill Lockyer during an interview this week with The Recorder.

But the state bar did survive, in no small part because of its president, he said.

"Heilbron is one of the most interesting, intelligent human beings I have ever met," said Lockyer. "I found him very persuasive, very thoughtful, and adroit at handling a legislative setting, where you have to take punches and can never swing back.

"Part of the sign of Heilbron's success in our house is that the 1987 bar dues bill passed 39-0. And that the proposals for an independent (discipline) commission, even though authored by a Senator of great stature, were not passed. Those are indicators of success," Lockyer said.

Reflecting back, Lockyer praised Heilbron not just for being an effective lobbyist: "Some of the delightful times during the year for me were sitting around in the office just chit-chatting (with Heilbron). David is just a very interesting person, and we would talk not just about bar issues, but about life. I enjoyed that a lot."

"I think it would be fun to hear Heilbron reflect on the legislative process," said Lockyer.

Despite the bar's 1985-86 successes, Lockyer said that he thought Heilbron "has decided that the bar has very little political clout."

Asked if that assessment had anything to do with the fact that the state bar, unlike other lobbyists, cannot form political action committees nor offer politicians the the contributions that follow therewith, Lockyer agreed that money was part of the issue. "Policy follows politics. You can do almost a vector analysis ... (but it's) not just money, it's contributions of time, endorsements of people with stature, it's ideas. ...The bar has been very ineffective in those ways," Lockyer observed.

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